

**Motion to Place
House Bill 422 on Third Reading**

Senator Hudson moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 422 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members present):

Yeas—17

Aikin	Martin
Bradshaw	Moffett
Crump	Owen
Dies	Parkhouse
Gonzalez	Reagan
Hudson	Roberts
Kazen	Secrest
Krueger	Smith
Lane	

Nays—9

Baker	Phillips
Colson	Ratliff
Fly	Rogers
Fuller	Wood
Hardeman	

Absent

Hazlewood	Moore
Herring	Willis

Absent—Excused

Weinert

**House Concurrent Resolution 98
Ordered Not Printed**

On motion of Senator Bradshaw and by unanimous consent H. C. R. No. 98 was ordered not printed.

**Motion to Place
House Bill 811 on Second Reading**

Senator Parkhouse asked unanimous consent to suspend the regular order of business and take up H. B. No. 811 for consideration at this time.

There was objection.

Adjournment

On motion of Senator Hardeman the Senate at 5:43 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

SIXTY-THIRD DAY

(Tuesday, May 12, 1959)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Our Father, as the sound of the gavel marks the end of this session of the Senate, we commit ourselves and all that has been said and done here until Thee and the people of Texas. If we have failed, forgive us; judge us not by our deeds, but by our motives, and my Thy peace inhabit all our hearts through Jesus Christ, our Lord. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Message from the House

Hall of the House of Representatives
Austin, Texas,
May 12, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to House Bill No. 414 by viva voce vote.

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate

Bill No. 61, and to appoint a new Conference Committee. House has appointed the following Conference Committee: Thurman, Huffman, Eckhardt, Hale, J. Jones.

Motion to instruct Conference Committee on S. B. No. 61, as to certain fees, prevailed by a non-record vote.

Motion to reconsider the vote by which motion carried was adopted, and to table the motion to reconsider prevailed by a viva voce vote.

The House has concurred in Senate amendments to House Bill No. 139 by viva voce vote.

The House has concurred in Senate amendments to House Bill No. 107 by viva voce vote.

The House has concurred in Senate amendments to House Bill No. 11 by viva voce vote.

The House has adopted the Conference Committee report on House Bill No. 105 by a vote of 126 ayes, 4 noes.

The House has concurred in Senate amendments to House Bill No. 859 by vote of 126 ayes, 5 noes.

The House has concurred in Senate amendments to House Bill No. 775 by viva voce vote.

The House has concurred in Senate amendments to House Bill No. 959 by vote of 135 ayes, 1 no.

The House has concurred in Senate amendments to House Bill No. 796 by viva voce vote.

The House has concurred in Senate amendments to House Bill No. 488 by viva voce vote.

The House has concurred in Senate amendments to House Bill No. 556 by viva voce vote.

The House refused to concur in Senate amendments to House Bill No. 629 and has requested the appointment of a Conference Committee to consider the differences between the two Houses.

House has appointed the following Conference Committee: James, B. Hughes, Whitfield, Strickland, Daily.

H. C. R. No 144, Suspending the Joint Rules in order that both Houses may consider S. B. No. 408 at any time.

The House has concurred in Senate amendments to H. J. R. No. 3 by vote of 106 ayes, 37 noes.

The House has adopted the Conference Committee report on House Bill No. 201 by a viva voce vote.

The House refused to concur in Senate amendments to House Bill No. 911 and has requested the appointment of a Conference Committee to consider the differences between the two Houses.

House has appointed the following Conference Committee on H. B. No. 911: McDonald, Green, Gladden, Shannon, Kennard.

S. B. No. 394, A bill to be entitled "An Act amending Article 5183, Revised Civil Statutes of Texas, 1925, to enlarge the Industrial Commission to nine members; prescribing qualifications and terms of office; providing for appointments; providing method of filling vacancies; and declaring an emergency."

S. B. No. 472, A bill to be entitled "An Act validating contracts between a district or authority created under the provisions of Article 16, Section 59, of the Constitution, and cities, towns or villages created under the general law, whereby the district or authority agrees and contracts to furnish a water supply; providing certain exceptions to the operation of the Act; and declaring an emergency."

H. C. R. No. 119, Forming a committee to study and recommend measures concerning the present methods of investing certain State funds.

The House has concurred in Senate amendments to House Bill No. 717 by vote of 127 ayes, 2 noes.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Resolution 566

Senator Hudson offered the following resolution:

Whereas, It has come to the attention of the Texas Senate that the investment of the Teacher Retirement Fund has not been handled in the past years with the proper investment safeguards; and

Whereas, These funds belong to all the retired teachers of Texas and

teachers who will retire in the future; is imperative that the best possible investment system be set up to safeguard these funds and to give the maximum yield consistent with prudent investment policies; and

Whereas, The following facts have been ascertained:

1. One man has advised and placed all of the orders for purchase of bonds and stocks for this fund, amounting to forty-four to fifty million dollars per year.

2. The total commissions and brokerages fees on this \$50,000,000 worth of purchases having amounted between \$350,000 and \$500,000 per year; one man has had the power of placing these orders with any dealer that he chooses (i.e., the firms that receive the fees). In actual fact between eighty and eighty-five per cent of the purchases have been handled through two firms, who in turn have passed on some of the orders to other firms they choose. This has allowed an enormous amount of power to be placed in the hands of two firms. The trustees of the Teacher Retirement Board have testified that these two firms have handled these purchases solely for reasons of "prestige" and as "an accommodation to the Board."

3. In one week alone the Board of Trustees authorized purchases totaling more than \$30,000,000, allowing one man discretion as to time and placement of such funds.

4. The Investment Council of the Teachers Retirement Board testified before the Senate Finance Committee that the present system "had been forced upon him," was "lousy" and was "not even rational." This testimony supports the need for an investigation; now, therefore, be it

Resolved, By the Senate:

Section 1. That the Lieutenant Governor be, and he is hereby authorized to appoint a committee of five members of the Senate, one of which shall be designated Chairman, to sit at such times and places between this date and May 11, 1960, as may to said committee seem necessary and proper, provided, however, that said committee shall only be called into session and sit for the purpose of transacting business of holding hearings. The attendance of three members shall constitute a quorum and no business shall be transacted unless such a quorum is present. In the event the Chairman shall fail or refuse to call a meeting of the com-

mittee after having a request to do so by a majority thereof, then the committee may be called by a majority thereof.

Section 2. The Committee shall have full powers to investigate in any manner deemed advisable by said Committee, the investment practices, purchases and handling of the funds of the Teacher Retirement System, the Permanent School Fund, the Employees Retirement System and the University of Texas Fund.

Section 3. Said Committee shall have the power to formulate its own rules of procedure and evidence, provided, however, that in the absence of a ruling of said Committee, the general rules of evidence and procedure of the State courts of Texas shall prevail, such rules and procedures may be altered by Committee at will. The Committee is authorized to provide for its own hours of meeting, recessing and adjournment and may in its sole discretion hold executive meetings upon a vote of a majority of said members, at which time the Committee may be governed by the rule of evidence applicable to any grand jury in this State.

Section 4. The Committee shall act and function upon a majority vote of its entire membership, and not otherwise. A full written report of the Committee's investigation shall be made as herein provided. Each and every report made by such Committee shall be signed by at least a majority of said Committee; except, however, a minority report may be made at any time within ten days after a majority report has been made, by or upon the signature of any two members of said Committee. Such Committee shall have the full power to issue process for witnesses, records or any other matter presently contemplated by law to any place in this State and shall have the power to compel the attendance of any witness so subpoenaed or any books or records so subpoenaed; and the further power to enforce such process by issuance of writs of attachment, which may be addressed to and served by either the Sergeant-at-Arms, appointed by said Committee, or any employees of the Department of Public Safety, or any Sheriff, or any Constable of this State; and said Committee shall have authority to cite for contempt anyone disobeying said process and to punish for such contempt in the same manner as provided by general law. Said Committee

shall have power to inspect and make copies of any books, records or files of the funds under investigation and any and all other instruments and documents pertinent to the matter under investigation, and shall also have power to examine and audit the books of any person, firm or corporation having dealings with said funds. The Committee shall further have all of the powers necessary in order to accomplish the purpose for which it is appointed, to be cumulative with powers under the general law.

Section 5. The witnesses attending under process shall be allowed the same mileage and per diem as is allowed witnesses before any grand jury in this State.

Section 6. Said Committee shall have power and authority to employ and compensate all necessary investigators, auditors, clerks, stenographers and other necessary employees. It shall be the duty of said Committee to make and keep a record of its investigations. The funds for the operation of said Committee shall be paid out of the appropriation for mileage and per diem and contingent fund of the 56th Legislature, and out of any fund otherwise appropriated for such purposes, upon the sworn account of person entitled to such pay when approved by Chairman of said Committee; and sufficient money is hereby appropriated out of the mileage and per diem and contingent fund of said 56th Legislature to make the payment of all expenses hereunder and as an incident to said investigation.

Section 7. Said Committee may call upon the Attorney General's Department, Auditing Department and any or all other departments for assistance and advice and it shall be the duty of the Attorney General's Department to render opinions and give counsel and assistance to said Committee upon request of Chairman or members of said Committee.

Section 8. That said Committee shall as soon as is reasonably convenient upon the expiration of said Committee, submit a report in writing to the 56th Legislature and may make such recommendations or state such conclusions as it may deem advisable.

The resolution was read.

Senator Hardeman offered the following amendment to the resolution:

Amend Sec. 1, S. R. No. 566 by de-

leting the words and figures "between this date and May 11, 1960" and inserting the words and figures "between the adjournment of the 56th Legislature and the date of the convening of the Regular Session of the 57th Legislature."

The amendment was read and was adopted.

Senator Hardeman offered the following amendment to the resolution.

Amend Sec. 8, S. R. No. 566 by striking out the figures "56th" and substitute the figures "57th."

The amendment was adopted.

Senator Baker offered the following amendment to the resolution:

Amend S. R. 566 by deleting the last 2 sentences of Subsection 2 of the 3rd whereas clause.

The amendment was adopted.

The resolution as amended was then adopted.

Senate Resolution 567

Senator Gonzalez offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the Sacred Heart School 7th and 8th Grade Civics Class of San Antonio, Bexar County, Texas, accompanied by their teachers and sponsors, Rev. Father Albert George Henke, Sister Mary Benedicta, and Sister Mary Aloysia; and

Whereas, These students of today are the citizens, leaders, and statesmen of tomorrow, who, with the acceptance of democracy's heritage, must carry on the responsibilities of self-government; and

Whereas, It is highly commendable that these young people are demonstrating, by their visit in the Senate, an interest in the processes of their state government; now, therefore, be it

Resolved, That we extend to these students a cordial welcome; and that a copy of this Resolution, bearing the official seal of the Senate, be sent to them in appreciation of their visit.

The resolution was read and was adopted.

Senator Gonzalez by unanimous consent presented the students and their sponsors to the Members of the Senate.

Senate Resolution 568

Senator Hardeman offered the following resolution:

Whereas, The Common Law of England was first introduced in the New World when the colony at Jamestown, Virginia, was established in 1607, under the provisions of the Charter granted to the Virginia Company of London in 1606; and

Whereas, The Virginia State Bar will commemorate this event of great historical and legal importance with a celebration at Jamestown on May 17, 1959; and

Whereas, The principles of the common law form the fundamental basis for the system of justice enjoyed by the people of Virginia and of her sister states, including the Lone Star State as expressed in the first Article of the Civil Statutes of Texas; and

Whereas, It is the desire of the Senate of Texas to commend the Virginia State Bar and the people of the great Commonwealth of Virginia in its recognition of this important basis of our jurisprudence and to join in the spirit of the commemoration of the advent of the Common Law of England in America; now, therefore, be it

Resolved, By the Senate of Texas that it hereby join with the General Assembly of Virginia to express its appreciation of the principles of justice, fair dealing and liberty established in the New World by the Colonists at Jamestown and that copies of this Resolution under the Seal of the Senate be forwarded to the presiding officers of the General Assembly of the Commonwealth of Virginia and to the president of the Virginia State Bar by the Secretary of the Senate.

HARDEMAN
PARKHOUSE
LANE

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Baker, Bradshaw, Colson, Crump, Dies, Fly, Fuller, Gonzalez, Hazlewood, Herring, Hudson, Kazen, Krueger, Martin, Moffett, Moore, Owen, Phillips, Ratliff, Reagan, Roberts, Rogers, Secrest, Smith, Weinert, Willis, Wood.

The resolution was read.

On motion of Senator Dies and by unanimous consent the names of the Lieutenant Governor and the Senators were added to the resolution as signers thereof.

The resolution was then adopted.

Senate Bill 358 with House Amendments

Senator Bradshaw called S. B. No. 358 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Bradshaw moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Senate Resolution 569

Senator Krueger offered the following resolution:

Whereas, A way of life, fought for throughout the ages and finding its first victory in the birth of America, dedicated to giving the youth of each succeeding generation freedom in the right of choice, not only of religion, press, speech, educational opportunities but also freedom to the pursuit of happiness by lawful means in the effort to earn a livelihood in the field of its choice; and

Whereas, Earning a livelihood as a good American before God and before man embodies social and moral forces as well as economic, all of which forces penetrate the hearts and minds of man and guide the sense of our people to the true responsibilities of our cherished American way of life; and

Whereas, All basic government policy heretofore stated and long ago acknowledged by blood, toil, and the

seal has by command of its people from its inception sworn to resist at all costs any effort to detour, derail, sidetrack or destroy the will and earnest desire of a great, true and tried heritage of our people, especially the youth of our land and thereby eliminate in many ways the causes of economic stress, as well as moral strain and social maladjustment; and

Whereas, Many thousands of our people have been forced to leave the soil of their birth and the lands of their ancestors to seek their livelihood away from the soil in order to gain economic survival, leaving behind without consideration the moral and social aspects entailed; and

Whereas, We find ourselves in the position of calling upon our young people of our smaller communities to leave to live; and

Whereas, This mass forced evacuation of the descendants of our pioneer people has drained the very life blood from our smaller rural communities simply because these young people of the soil cannot maintain themselves thereon under present Government policy and this literal drying up of thousands of our smaller communities and family farms where family life and community get-togethers have in the past meant so much to the moral and spiritual strength of our country has reached an alarming state; and

Whereas, All of this has been done in the name of efficiency, ignoring completely the people and the human desire to the point of bowing to the Communist policy that people do not count; and

Whereas, All of this has brought into focus the fact that we are before our very eyes seeing pass into oblivion the American way of life which found its first victory in the birth of America; now, therefore, be it

Resolved, That the leadership of America awake to the role that the small family farmer and the small communities of our nation have played and should continue to play in this, the great drama of America before God and man, in making steadfast and secure the desire to preserve our cherished way of life which found its first victory in the birth of America; and be it further

Resolved, That the role of the small family farmer and the small community be viewed in the light of social, moral and spiritual values as

well as in the light of economic efficiency; and be it further

Resolved, That the leadership of America reaffirm their belief in the basic tenet that people do count, and that the youth of our small communities shall not be called upon "to leave to live."

KRUEGER
HERRING
OWEN
MARTIN
AIKIN
MOFFETT
SECREST
HARDEMAN
CRUMP
FLY
ROBERTS
RATLIFF
WEINERT
SMITH
PHILLIPS

Signed—Ben Ramsey, Lieutenant Governor; Baker, Bradshaw, Colson, Dies, Fuller, Gonzalez, Hazlewood, Hudson, Kazen, Lane, Moore, Parkhouse, Reagan, Rogers, Willis, Wood.

The resolution was read.

On motion of Senator Hazlewood and by unanimous consent the names of the Lieutenant Governor and the Senators were added to the resolution as signers thereof.

The resolution was adopted.

Senate Bill 32 with House Amendments

Senator Moffett called S. B. No. 32 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Moffett moved that the Senate concur in the House amendments.

The motion prevailed.

Conference Committee Report on House Bill 201

Senator Parkhouse submitted the following Conference Committee Report on H. B. No. 201:

Austin, Texas,
May 8, 1959.

Hon. Ben Ramsey, President of the Senate:

Hon. Waggoner Carr, Speaker of the House of Representatives:

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B. No. 201, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

PARKHOUSE
HAZLEWOOD
AIKIN
DIES
OWEN

On the part of the Senate.

RAMSEY
SMITH
CORY
OLIVER
ROBERTS

On the part of the House.

H. B. No. 201,

A BILL
TO BE ENTITLED

AN ACT prohibiting false wholesale advertising and misrepresenting the true nature of business; defining the term "wholesale" as used in the Act; prohibiting any person, firm, association, or corporation from misrepresenting true ownership of a business for the purpose of liquidation sale, auction sale, or other sale which represents that said firm is going out of business; prescribing penalties for violation of the Act; providing for a savings clause; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. It shall be unlawful for any person, firm, association or corporation to misrepresent the true nature of its business by use of the words manufacturer, wholesaler, retailer, or words of similar import or for any person, firm, association or corporation to represent itself as selling at wholesale or use the word wholesale in any form of sale or advertising unless such person, firm, association or corporation is actually selling at wholesale those items advertised for the purpose of resale. For the purpose of this Act the term "wholesale" shall mean a sale made for the purpose of resale and not one made to the consuming purchaser.

Section 1a. It shall be unlawful for

any person, firm, association, or corporation to misrepresent the true ownership of a business for the purpose of carrying on a liquidation sale, auction sale, or other sale which represents that the firm is going out of business; and be it further provided that any person, firm, association or corporation which advertises in any manner whatever a liquidation sale, auction sale, or going out of business sale shall clearly state the true name and permanent address of the actual owner or owners of such business in any and all such advertising.

Sec. 2. Any person who willfully and knowingly violates any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00).

Sec. 3. The provisions of this Act are severable, and in the event that any provision should be declared void or unconstitutional it is hereby declared that the remaining provisions would have been enacted notwithstanding such judicial determination of the invalidity of any particular provision or provisions in any respect, and said remaining provisions shall remain in full force and effect.

Sec. 4. The fact that some business diversion practices mislead the consumers of this State into believing that they are buying merchandise at wholesale prices substantially below regular retail prices when in fact they are not; and the fact that consumers are misled as to the nature of the seller's business and deprived of various customer services offered by regularly established and bona fide retail outlets without compensating advantage to the consumer; and the fact that consumers are thereby daily suffering great economic loss; all such facts create an emergency and public necessity that the Constitutional Rule requiring bills to be read on three separate days in each House be suspended, and said Rule is hereby suspended and require that this Act take effect and be in force from and after the date of its enactment, and it is so enacted.

The report was read.

On motion of Senator Martin and by unanimous consent consideration of the Conference Committee Report was postponed for thirty minutes.

House Concurrent Resolution 86 Re-referred

On motion of Senator Fly and by unanimous consent H. C. R. No. 86 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Privileges and Elections.

Report of Standing Committee

Senator Hazlewood submitted the following report:

Austin, Texas,
May 8, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred H. C. R. No. 86, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HAZLEWOOD, Chairman.

Senate Bill 259 with House Amendments

Senator Crump called S. B. No. 259 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Crump moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Present—Not Voting

Baker

Senate Bill 387 with House Amendments

Senator Roberts called S. B. No. 387 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Roberts moved that the Senate concur in the House amendments.

The motion prevailed.

Record of Vote

Senator Colson asked to be recorded as voting "Nay" on the motion to concur in House amendments to S. B. No. 387.

Senate Bill 332 with House Amendments

Senator Crump called S. B. No. 332 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Crump moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—27

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Rogers
Hazlewood	Secrest
Hudson	Weinert
Kazen	Wood
Krueger	

Nays—2

Herring	Roberts
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Absent

Smith	Willis
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House Concurrent Resolution 12 on Second Reading

On motion of Senator Krueger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

H. C. R. No. 12, Authorizing the transfer by Secretary of State and State Board of Insurance of certain property and equipment to State Securities Board.

The resolution was read and was adopted.

Senate Resolution 570

Senator Gonzalez offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the Harlandale High School Future Teachers' (J. W. Edgar Club) of San Antonio, Bexar County, accompanied by their teacher and sponsor, Mrs. Lucille Dufner, and Mrs. Edith Thurman, a mother; and

Whereas, These students of today are the citizens, leaders, and statesmen of tomorrow, who, with the acceptance of democracy's heritage, must carry on the responsibilities of self-government; and

Whereas, It is highly commendable that these young people are demonstrating, by their visit in the Senate, an interest in the processes of their state government; now, therefore, be it

Resolved, That we extend to these students a cordial welcome; and that a copy of this Resolution, bearing the official seal of the Senate, be sent to them in appreciation of their visit.

The resolution was read and was adopted.

Senator Gonzalez by unanimous consent presented the students, teachers and sponsors to the Members of the Senate.

House Concurrent Resolution 86 Ordered Not Printed

On motion of Senator Fly and by unanimous consent H. C. R. No. 86 was ordered not printed.

Conference Committee Report on House Bill 135

Senator Rogers submitted the fol-

lowing Conference Committee Report on H. B. No. 135:

Austin, Texas,
May 8, 1959.

Honorable Ben Ramsey, President of the Senate.

Honorable Waggoner Carr, Speaker of the House of Representatives

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B. No. 135, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

ROGERS
OWEN
SMITH
MOFFETT

On the part of the Senate

McILHANY
GLUSING
BATES
WILSON
TOWNSEND

On the part of the House

H. B. No. 135,

A BILL TO BE ENTITLED

AN ACT authorizing the Livestock Sanitary Commission of Texas to promulgate rules and regulations to prevent the dissemination of infectious, contagious or communicable livestock diseases by regulating the movement of livestock out of livestock markets, requiring inspections and treatment of livestock and the furnishing of certain facilities at livestock markets; providing for hearings on such rules and regulations and inspections; defining terms; defining offenses and fixing penalties; providing severability; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. As used in this Act the following terms shall have the following meanings unless the context clearly requires a different meaning. The meaning ascribed to the singular form shall also apply to the plural.

(a) The term "Commission" shall mean the Livestock Sanitary Commission of Texas.

(b) The term "livestock" means, and shall include, any bovine, equine, caprine, ovine or porcine animal.

(c) The term "person" means and includes any person, firm, partnership, corporation or association.

(d) The term "livestock market" means, and includes any stockyard, sales pavillion or sales ring where livestock are assembled and concentrated at regular or irregular intervals, for sale, trade, barter or exchange.

(e) The term "livestock market operator" means and includes any person, firm, partnership, corporation or association owning or operating any stockyard, sales pavilion or sales ring where livestock are assembled or concentrated at regular or irregular intervals for sale, trade, barter or exchange.

Sec. 2. It shall be the duty of the Commission to adopt regulations relating to movements of livestock out of livestock markets, to require such tests, immunization or dipping, as may be considered necessary as a protection against dissemination of contagious, infectious or communicable livestock diseases.

Sec. 2a. Before regulations of the Livestock Sanitary Commission relating to the movement of livestock out of livestock markets shall become effective, notice of intent to promulgate such regulations shall be given by posting a copy of such proposed regulations at the courthouse door of each county seat in the State of Texas. Said notice shall also inform the public that on a designated date stated in such posted notice a hearing will be had at the office of the Livestock Sanitary Commission of Texas, at which hearing any person who objects to such proposed regulations or any part thereof shall have the right to appear either in person or by representative or both, and to state his objections. All such facts and evidence developed at such hearing shall be considered and evaluated by the Livestock Sanitary Commission and public notice shall be given by the Livestock Sanitary Commission within ten (10) days after such hearing stating whether or not such objections have been approved and adopted or have been disapproved and rejected by the Livestock Sanitary Commission.

Sec. 3. The Commission is hereby authorized to require the operators of all livestock markets herein defined to furnish adequate chutes, holding pens and to furnish or have

access to such other essential testing and dipping facilities within the immediate vicinity.

Representatives of the Commission are hereby authorized to enter any livestock market for the exercise of any authority, or performance of any duty authorized under this Act.

Failure or refusal on the part of the livestock market operator to furnish adequate facilities or to permit representatives of the Commission to enter such market, or to exercise authority or perform such duty provided under this Act, shall constitute a misdemeanor and, upon conviction such livestock market operator shall be fined not less than Twenty-five (\$25.00) Dollars nor more than One Hundred (\$100.00) Dollars. Each day of violation will constitute a separate offense.

Sec. 4. The testing or vaccination required by this Act shall be performed by accredited veterinarians or qualified personnel authorized by the Commission. The State of Texas shall not be required to pay the cost of fees charged for such testing or vaccination.

Sec. 5. All livestock consigned to and delivered on the premises of any livestock market shall, before being offered for sale, be visually inspected by an authorized inspector who shall, before livestock is removed from the livestock market, if deemed necessary, test or have tested, or vaccinated each and every animal consigned to such livestock market.

Sec. 6. Any person who shall remove any livestock from any livestock market, without a certificate, as required in any regulation adopted by the Commission, shall be fined not less than Twenty-five Dollars (\$25) nor more than One Hundred Dollars (\$100) for each head of livestock removed from the livestock market in violation of regulations of the Commission.

Sec. 7. Any person or persons, their agent or employee, who shall violate any provision of this Act or any rule, regulations or requirement adopted pursuant to this Act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than Twenty-five Dollars (\$25) nor more than One Hundred Dollars (\$100) for each day, which shall constitute a separate offense.

Sec. 8. If any provision of this Act or the application thereof to any per-

son or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 9. The concentration of livestock at market centers constitutes channels for the widespread dissemination of diseases and the fact that present laws are inadequate to regulate the movement of livestock out of livestock markets, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended and the said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read.

Senator Rogers moved that the Conference Committee Report be adopted.

(Senator Aikin in the Chair.)

Senator Fly moved that the Conference Committee Report be rejected and that a new Conference Committee be appointed to adjust the differences between the two Houses.

Question on the motion to reject the Conference Committee Report, Yeas and Nays were demanded.

The motion was lost by the following vote:

Yeas—12

Bradshaw	Martin
Crump	Parkhouse
Dies	Ratliff
Fly	Roberts
Hardeman	Secrest
Herring	Weinert

Nays—17

Aikin	Moore
Baker	Owen
Colson	Phillips
Fuller	Reagan
Gonzalez	Rogers
Hudson	Smith
Kazen	Willis
Krueger	Wood
Moffett	

Absent

Hazlewood	Lane
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The Conference Committee Report on H. B. No. 135 was then adopted.

Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the adoption of the Conference Committee Report on H. B. No. 135.

(President in the Chair.)

Election of President Pro Tempore Ad Interim for the Regular Session of the Fifty-sixth Legislature

The President announced the election of the President Pro Tempore as the next order of business.

Senator Hardeman nominated Senator Weinert of Guadalupe County as President Pro Tempore Ad Interim of the Regular Session of the Fifty-sixth Legislature.

Senators Aikin, Lane, Hazlewood, Martin, Smith, Owen, Hudson, Parkhouse, Kazen, Dies, Reagan, Moffett, Krueger, Moore, Ratliff, Willis and Colson seconded the nomination of Senator Weinert as President Pro Tempore Ad Interim.

There being no further nominations, the President appointed Senators Moffett, Martin and Krueger as tellers to take up and count the ballots.

The ballots were taken up and counted and the President announced that Senator Weinert had received 30 votes with one present and not voting for President Pro Tempore Ad Interim of the Regular Session of the Fifty-sixth Legislature and declared him duly elected.

Senators Hardeman, Hudson and Aikin were appointed to escort Senator Weinert to the President's Rostrum. The President administered the Constitutional Oath of Office as President Pro Tempore Ad Interim for the Regular Session of the Fifty-sixth Legislature to Senator Weinert.

The President presented Mrs. R. A. Weinert to the Senate.

The President then presented Senator Weinert to the Senate as their President Pro Tempore Ad Interim.

President Pro Tempore Weinert addressed the Senate, thanking the Members and promised to do his best

to fulfill the high honor bestowed upon him and Mrs. Weinert.

Bills and Resolutions Signed

The President signed in the presence of the Senate after the caption had been read the following enrolled bills and resolutions:

H. B. No. 214, A bill to be entitled "An Act regulating the importation of camellia plants and flowers into the State of Texas; and declaring an emergency."

H. B. No. 258, A bill to be entitled "An Act making it unlawful except under the provisions of this Act, for any person to hunt, take, kill or attempt to kill, or possess, any game bird or game animal in Brown County at any time; etc.; and declaring an emergency."

H. B. No. 289, A bill to be entitled "An Act amending subdivision 3 of Article 3266, Revised Civil Statutes, as amended, relating to fees of commissioners appointed to assess damages in eminent domain proceedings, so as to provide that in all counties the county judge shall set the fee of the commissioners at any amount he may deem reasonable, not less than Ten Dollars (\$10) per day; and declaring an emergency."

H. B. No. 269, A bill to be entitled "An Act regulating the handling of funds received by institutions under the control and management of the Board for Texas State Hospitals and Special Schools; providing for repeal of all laws or parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 305, A bill to be entitled "An Act applying to certain drainage districts created under Section 52, Article III, Constitution of Texas; authorizing and providing for the consolidation of such districts; etc.; and declaring an emergency."

H. B. No. 377, A bill to be entitled "An Act validating the acts of county board of school trustees in ordering elections for the consolidation of certain Independent School Districts; etc.; and declaring an emergency."

H. B. No. 398, A bill to be entitled "An Act amending Chapter 344, Acts of the Forty-ninth Legislature, 1945, as amended, codified as Article 46 c-6, Vernon's Revised Civil Statutes,

by adding a new Subdivision so as to provide for the regulation of parachuting activities in state educational institutions of collegiate rank under rules prescribed by the State Aeronautics Commission; and declaring an emergency."

H. B. No. 316, A bill to be entitled "An Act to amend Article 4619 of the Revised Civil Statutes of Texas, 1925 (Acts 1840, p. 3; G. L. vol. 2, p. 177; Acts 1913, p. 61; Acts 1927, 40th Leg., p. 219, ch. 148), to add thereto a new section No. 6 so as to provide that married women shall have the control, management and disposition of their contracts of life insurance or annuity, subject to nullification of the provisions of this act by the husband by notice to the insurance company."

H. B. No. 400, A bill to be entitled "An Act to amend Article 9 of subchapter I, Article 3 of subchapter III, Article 2 of subchapter IV, Article 4 of subchapter IV, Article 6 of subchapter IV, Article 8 of subchapter IV, Article 2 of subchapter V, Article 4 of subchapter V, Article 7 of subchapter V, and Article 6 of subchapter VI, of Chapter 97, Page 127, Acts of the 48th Legislature, Regular Session, 1943, as amended, and to repeal Section 16 of Chapter 139, Page 233, Acts of the 52nd Legislature, Regular Session, 1951; providing for expenses and compensation of members of the Finance Commission; etc.; and declaring an emergency."

H. B. No. 421, A bill to be entitled "An Act concerning the care and treatment of those afflicted with tuberculosis; imposing certain responsibilities and duties upon the Board for Texas State Hospitals and Special schools and the Texas State Department of Health; etc.; and declaring an emergency."

H. B. No. 497, A bill to be entitled "An Act regulating the hunting, taking and killing of wild pheasants in Ellis County; repealing all laws in conflict; and declaring an emergency."

H. B. No. 505, A bill to be entitled "An Act amending Section 4 of Chapter 31, Acts of the 42nd Legislature, 1932, providing for the use of any unclaimed surplus of taxes which had been collected for the interest and sinking fund accounts of certain road bonds; and declaring an emergency."

H. B. No. 568, A bill to be entitled "An Act amending Article 1538 of the Penal Code of the State of Texas, 1925, by extending its terms to include a trustee, and providing that if a trustee shall unlawfully and with intent to defraud any beneficiary or settlor of a trust, convert the same or any part thereof to his own use, he shall be punished as provided in cases of theft; and declaring an emergency."

H. B. No. 569, A bill to be entitled "An Act amending Article 177 of the Code of Criminal Procedure of the State of Texas, 1925, by extending its terms to include a trustee, and providing that an indictment for theft or conversion of any estate by a trustee with intent to defraud any beneficiary or settlor of a trust may be presented within ten (10) years from the time of the commission of the offense, and declaring an emergency."

H. B. No. 578, A bill to be entitled "An Act to amend Section 2 of Chapter 331, Acts of the 52nd Legislature, 1951 (codified as Article 2919d of Vernon's Texas Civil Statutes) by adding one member to the Board who shall be a member of the Legislature of the State of Texas; providing the time when this amendment shall take effect; and declaring an emergency."

H. B. No. 476, A bill to be entitled "An Act granting the Commissioners Court of Panola County the privilege of paying bounties on wolves killed in the County at not to exceed Twenty-five Dollars (\$25) for each wolf; and declaring an emergency."

H. B. No. 581, A bill to be entitled "An Act amending Section 6 of the Adult Probation and Parole Law of 1957 (Acts of the 55th Legislature, Regular Session, 1957, Chapter 226, and compiled as Article 781d, Vernon's Code of Criminal Procedure) to provide that when a court determines terms of probation or subsequently changes such terms, the probationer shall be furnished a copy of the order setting forth such terms and conditions; and declaring an emergency."

H. B. No. 612, A bill to be entitled "An Act authorizing a special program for pre-school children who have a hearing loss; providing for instructional units; etc.; and declaring an emergency."

H. B. No. 686, A bill to be entitled "An Act amending Section 1 of Chapter 96, Acts of the 54th Legislature, 1955, so as to extend the hunting season on wild buck deer to a fifteen-day period in Panola County; and declaring an emergency."

H. B. No. 782, A bill to be entitled "An Act establishing a three-year statute of limitations on suits involving freight charges on property transported by carriers for compensation or hire within the State of Texas."

H. B. No. 783, A bill to be entitled "An Act creating a conservation and reclamation district under Article XVI, Section 59, of the Constitution of Texas, comprising certain territory contained in Sabine County, Texas, to be known as Pineland Municipal Water Supply District; etc.; and declaring an emergency."

H. B. No. 704, A bill to be entitled "An Act to amend Section 7 of Chapter 3, Acts of the 46th Legislature, Regular Session, 1939, as last amended by Chapter 308, Acts of the 47th Legislature, Regular Session, 1941 (Codified by Vernon as Texas Civil Statutes, Article 165a-4, Section 7), to authorize the supervisors of Soil Conservation Districts to execute notes on the faith and credit of the district payable from certain funds of the district and to secure said notes by a lien on certain properties of the district; prescribing the maximum maturity and interest rate for such notes; providing a severability clause; and declaring an emergency."

H. B. No. 754, A bill to be entitled "An Act amending Article 3.28 of the Insurance Code of the State of Texas so as to permit the use after December 31, 1959, of the Commissioners 1958 Standard Ordinary Mortality Table with adjustments for female risks; etc.; and declaring an emergency."

H. B. No. 744, A bill to be entitled "An Act authorizing the County Attorney of Midland County, Texas, with approval of the Commissioners' Court of said county, to employ stenographers, assistants and special investigators; etc.; and declaring an emergency."

H. B. No. 813, A bill to be entitled "An Act authorizing and providing for certain cities and towns (hereinafter referred to as 'cities' or 'city'),

under certain conditions, to take over the powers, duties, assets, and obligations of certain water control and improvement districts and fresh water supply districts (hereinafter referred to as 'districts' or 'district') lying in more than one city; etc.; and declaring an emergency."

H. B. No. 838, A bill to be entitled "An Act relating to the authority of the Commissioners Court of each County to adopt a plan to provide hospitalization insurance to any or all county employees; and declaring an emergency."

H. B. No. 888, A bill to be entitled "An Act validating under certain conditions, proceedings relating to the adoption of home rule charters; validating the charters so adopted and providing that such charter so adopted shall constitute the home rule charter of the city; etc.; and declaring an emergency."

H. B. No. 830, A bill to be entitled "An Act to create the Mill Creek Water Control and Improvement District as a conservation and reclamation district in Austin and Washington Counties under the provisions of Article XVI, Section 59 of the Constitution of Texas; etc.; and declaring an emergency."

H. B. No. 685, A bill to be entitled "An Act amending Section 2, Chapter 368, Acts 1957, 55th Legislature, Regular Session, creating Bistone Municipal Water Supply District, so as to make certain the boundaries of said District and validating said district and the proceedings heretofore had in connection with its organization; enacting other matters relating to the subject and declaring an emergency."

H. B. No. 874, A bill to be entitled "An Act to permit any member of the Teacher Retirement System who has heretofore performed military duty to make deposits with the Retirement System and receive membership for former service credit for each creditable year spent in such military service, and declaring an emergency."

H. B. No. 850, A bill to be entitled "An Act to create the Iron's Bayou Watershed Authority as a conservation and reclamation district in Panola County, Texas, under the provisions of Article XVI, Section 59 of

the Constitution of Texas; etc.; and declaring an emergency."

H. B. No. 921, A bill to be entitled "An Act enlarging Fort Bend County Water Control and Improvement District, No. 2 and defining the boundaries thereof, as enlarged, finding a benefit and public use; providing for calling and holding an assumption of indebtedness election or elections; permitting future addition or annexation of land to such District as provided by law; containing other provisions relating to the subject; providing a severability clause; and declaring an emergency."

H. B. No. 925, A bill to be entitled "An Act providing for County Juvenile Boards in each county comprising the 81st Judicial District; providing for compensation of members of the Board; etc.; and declaring an emergency."

H. B. No. 932, A bill to be entitled "An Act creating the Galveston County Flood Control District No. 1 in Galveston County, Texas; and declaring an emergency."

H. B. No. 940, An Act setting limits on deer hunting in Sabine County; providing penalties for violation; repealing all laws in conflict; and declaring an emergency.

H. B. No. 941, A bill to be entitled "An Act relating to an additional tax for common school districts in certain counties; and declaring an emergency."

H. B. No. 946, A bill to be entitled "An Act amending Chapter 106, Acts of the 54th Legislature, Regular Session, 1955, which is codified as Article 5139j, of Vernon's Annotated Civil Statutes of the State of Texas, relating to juvenile boards in Harrison and Rusk Counties; and declaring an emergency."

H. B. No. 937, An Act providing an open season on wild quail in Brooks County; setting bag limits; providing penalties; and declaring an emergency.

H. B. No. 930, A bill to be entitled "An Act conferring upon Regional College Districts the power of eminent domain for the purpose of acquiring property for their needs; prescribing the manner of exercising such power, and declaring an emergency."

H. B. No. 963, A bill to be entitled "An Act regulating the hunting, taking, and killing of Collared Pecary or Javelina in the Counties of Atascosa, Frio, LaSalle, Live Oak, and McMullen; making it unlawful to take or possess said Collared Pecary or Javelina for purposes of barter or sale, or to sell same; providing penalties for violation; and declaring an emergency."

H. B. No. 964, A bill to be entitled "An Act amending Section 1 of Chapter 183, Acts of the 51st Legislature, Regular Session, 1949, to remove doves from the open season provided for certain game in McMullen County; and declaring an emergency."

H. B. No. 945, A bill to be entitled "An Act authorizing the State Board of Health to sell a certain tract of land owned by the State of Texas located in the County of Rusk; stating the purposes for which proceeds of the sale may be expended; and declaring an emergency."

H. B. No. 965, A bill to be entitled "An Act validating Calhoun County Water Control and Improvement District No. 1, and declaring it to be a validly existing and operating conservation and reclamation district under Section 59, Article XVI, Constitution of Texas; etc., and declaring an emergency."

H. B. No. 976, A bill to be entitled "An Act enlarging Calhoun County Drainage District No. 10 and defining the boundaries thereof, as enlarged; finding a benefit and public use; providing for calling and holding an assumption of indebtedness election or elections; permitting future addition or annexation of land to such District as provided by law; containing other provisions relating to the subject; providing a severability clause; and declaring an emergency."

H. B. No. 993, A bill to be entitled "An Act amending Section 5½ as contained in Chapter 146, Acts of the Regular Session, Fifty-second Legislature; setting forth power and authority of the State Highway Commission to fix maximum gross, axle, and wheel load in cases where necessary to prevent rapid deterioration of roads and bridges; etc.; and declaring an emergency."

H. B. No. 990, A bill to be entitled "An Act granting additional powers to Mills County Water Control and Improvement District Number One in Mills County, Texas; stating the effect of this Act; etc.; and declaring an emergency."

H. B. No. 962, A bill to be entitled "An Act limiting the provisions of this Act to Dimmit and Zavala Counties; making it unlawful, except under the provisions of this Act, for any person to hunt, take, kill or possess any game bird or game animal in said counties at any time; etc.; and declaring an emergency."

H. B. No. 971, A bill to be entitled "An Act ratifying, confirming and validating the creation and establishment of Colorado County Water Control and Improvement District No. 2 of Colorado County, Texas; etc.; and declaring an emergency."

H. B. No. 975, A bill to be entitled "An Act to create the Beason-Cedar Creek Watershed Authority as a conservation and reclamation district in Grimes and Waller Counties under the provision of Article XVI, Section 59 of the Constitution of Texas; etc.; and declaring an emergency."

H. B. No. 955, A bill to be entitled "An Act amending Article 7150, Revised Civil Statutes, 1925, by adding a new section thereto to be known and designated as Section 21, so as to exempt from taxation property owned or used in conducting any association engaged in the educational development of boys, girls, young men and young women through a program designed to demonstrate the operation of the American business system of private enterprise; and declaring an emergency."

H. B. No. 986, A bill to be entitled "An Act declaring the legislative policy of the State as to Texoma Lake in Cooke and Grayson Counties in regard to game; regulating the use of boats and water skis on said Texoma Lake; etc.; and declaring an emergency."

H. B. No. 999, An Act amending Section 6 of House Bill No. 156, Acts of the Fifty-sixth Legislature, Regular Session, 1959, relating to the collection of taxes in the Choctaw Watershed Water Improvement District; and declaring an emergency."

H. C. R. No. 25, Requesting state colleges and universities to file operating budgets and amendments thereto in the State Library.

H. C. R. No. 21, Granting permission to Chester R. Morris to sue certain officials of the University of Texas, The University of Texas, and Tom E. Johnson, County Judge of Travis County, Texas.

H. C. R. No. 38, Granting permission for Billy Barron Melton, through his legally authorized guardian, to sue the State of Texas.

H. C. R. No. 52, Granting permission for Holland Page to sue the State.

H. C. R. No. 78, Granting Orrin O. Rumfield permission to sue the State.

H. C. R. No. 82, Granting permission to Tom Hutton to sue the State of Texas and the State Highway Department of the State of Texas.

H. C. R. No. 83, Granting permission to W. H. Taylor of Cherokee County, Texas, to sue the State of Texas.

H. C. R. No. 94, Granting permission to Pacific Coast Fire Insurance Company to sue the State of Texas.

H. C. R. No. 101, Granting Murray Watson, Sr., permission to sue the State of Texas.

H. C. R. No. 102, Granting permission to Frank M. Maddox, Jr., to sue the State of Texas.

H. C. R. No. 105, Granting George G. Fisher and wife, Loretta Fisher, and their infant son, Robert M. Fisher permission to sue the State.

H. C. R. No. 112, Requesting the Texas Legislative Council to study all matters relating to acquisition of highway rights of way by the State prior to 1943, the interests of the State and owners of adjacent tracts relative to oil and gas development thereof, and the policies of the State and legal rights of all parties.

Conference Committee on House Bill 629

Senator Parkhouse called from the President's table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two

Houses on H. B. No. 629 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following Conferees on the part of the Senate on the bill: Senators Parkhouse, Baker, Phillips, Herring and Reagan.

Senate Resolution 571

Senator Fuller offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mr. and Mrs. Neal Miller of Orange, Texas; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Fuller by unanimous consent presented the guests to the Members of the Senate.

Senate Resolution 572

Senator Herring offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the 5th Grade Class of Brentwood Elementary School in Austin, Travis County, Texas, accompanied by their teachers, Mrs. Cecelia Pounds and Mr. Mill Bryant; and

Whereas, These students of today are the citizens, leaders, and statesmen of tomorrow, who, with the acceptance of democracy's heritage, must carry on the responsibilities of self-government; and

Whereas, It is highly commendable that these young people are demonstrating, by their visit in the Senate, an interest in the processes of their state government; now, therefore, be it

Resolved, That we extend to these students a cordial welcome; and that a copy of this resolution, bearing the official seal of the Senate, be sent to the classes in appreciation of their visit.

The resolution was read and was adopted.

Senate Resolution 573

Senator Moore offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the Seventh Grade Class of the Franklin Public School accompanied by their teachers and sponsor, Mrs. Howard Stegall, Mrs. Wood, Mr. Chandler, Mrs. Reagan and Mary Clayborne; and

Whereas, These students of today are the citizens, leaders, and statesmen of tomorrow, who, with the acceptance of democracy's heritage, must carry on the responsibilities of self-government; and

Whereas, It is highly commendable that these young people are demonstrating, by their visit in the Senate, an interest in the processes of their state government; now, therefore, be it

Resolved, That we extend to these students a cordial welcome; and that a copy of this Resolution, bearing the official seal of the Senate, be sent to them in appreciation of their visit.

The resolution was read and was adopted.

Report of Standing Committee

Senator Willis by unanimous consent submitted the following report:

Austin, Texas,
May 12, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Education, to whom was referred H. B. No. 560, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WILLIS, Chairman.

Recess

On motion of Senator Hardeman the Senate at 12:30 o'clock p.m. took Recess until 2:30 o'clock p.m. today.

After Recess

The President called the Senate to order at 2:30 o'clock p.m. today.

Leaves of Absence

Senator Fly was granted leave of absence for the remainder of the day on account of important business on motion of Senator Martin.

Senator Weinert was granted leave of absence for the remainder of the day on account of important business on motion of Senator Hardeman.

Communication from Miss Essie McGinnis

The President laid before the Senate and directed the Secretary to read the following communication received from a beloved employee of the Senate:

Lieutenant Governor Ben Ramsey:

It is my wish to extend to you my humble and grateful appreciation for the sympathy and consideration shown me and my family in our recent sorrow. First, for the flowers from you and the Members of the Senate and employees on the occasion of my mother's ninety-ninth birthday; later, as we realized she would pass from us, this passing was softened by your thoughtfulness and generosity in messages and beautiful floral offerings. For these gestures of friendship we are deeply grateful, and we wish you to know such sympathy and love from your warm and understanding hearts will never be forgotten.

Sincerely,

ESSIE MCGINNIS.

May 12, 1959.

The communication was read.

On motion of Senator Aikin and by unanimous consent the communication was ordered printed in the Journal.

Message from the House

Hall of the House of Representatives
Austin, Texas,
May 12, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 146, Suspending the Joint Rules so that House Bill No. 560 may be taken up and considered at any time.

The House has adopted the Conference Committee Report on Senate Bill No. 61 by a viva voce vote.

S. B. No. 53, A bill to be entitled "An Act providing for payment of pensions to Former Texas Rangers and their widows under certain conditions, pursuant to Article XVI, Section 66, of the Constitution of Texas; providing conditions of eligibility and procedure for payment; making an appropriation for such payments; providing for severability; and declaring an emergency."

S. B. No. 408, A bill to be entitled "An Act authorizing the refund of any moneys received by the Board for Texas State Hospitals and Special Schools to which it was not legally entitled, or paid by mistake of fact, law, or under duress; authorizing the refund of unused portions of any payments for the care of patients or students in State hospitals and special schools; authorizing appropriations from which such refunds may be paid; and declaring an emergency."

S. C. R. No. 17, Relative to the establishment of the Texas Educational Standards Commission, etc.

S. B. No. 486, A bill to be entitled "An Act relating to the representation of the State by the District Attorney for Roberts County in all criminal cases before the County Court of Roberts County; providing for supplemental compensation by the Commissioners Court; and declaring an emergency."

S. C. R. No. 32, Creating an Interim Legislative Committee to study problems of the aged in Texas; etc.

S. C. R. No. 64, To study the need and feasibility of making the University of Houston a State-supported institution.

S. C. R. No. 63, Requesting the Texas Legislative Council to make a study of the fees system of departments and agencies of the Executive Department.

S. C. R. No. 56, Requesting the State Board of Education to study means by which instruction in natural resources and their appreciation and conservation may be incorporated into the curricula of Texas' public elementary and secondary schools, etc.

S. C. R. No. 62, Requesting the

Texas Legislative Council to continue its examination and study of special funds.

S. C. R. No. 24, Granting to the City of Austin for street and sewage purposes certain easements and right-of-ways of various lands owned by the State of Texas; etc.

S. C. R. No. 28, Giving approval to the Board of Directors of the Agricultural and Mechanical College of Texas to use proceeds from the sale of bonds authorized by Section 18, Article VII, to acquire buildings and improvements necessary for the Texas Agricultural Experiment Station and the Texas Forest Service of certain types, etc.

S. C. R. No. 29, Resolving that the Board of Control be given authority to do whatever may be necessary to extend the paved sidewalks on either side of the main walkway at the Southern entrance to the State Capitol grounds on 11th Street in order to protect pedestrians, etc.

S. C. R. No. 33, Relative to good business climate in Texas, etc.

S. C. R. No. 42, Creating Committee to study Radiation effects.

S. C. R. No. 35, Authorizing Board of Control to prevent erection of signs, etc., on Capitol property.

S. C. R. No. 55, Granting The Kansas City Southern Railway Co., The Louisiana and Arkansas Railway Co. and the Landa Motor Lines permission to sue the State.

S. C. R. No. 57, Granting Oscar L. Scarborough permission to sue the State of Texas, etc.

S. C. R. No. 60, Granting permission to Steve Paul to sue the State of Texas.

S. C. R. No. 65, Requesting a further study by the Texas Legislative Council of the State-owned submerged lands and islands for report to the 57th Legislature.

H. C. R. No. 140, Suspending Joint Rule 9 in order to consider S. B. No. 53 at any time.

H. C. R. No. 141, Suspending Joint Rule 9 in order to consider S. B. No. 486 at any time.

H. C. R. No. 142, Suspending the Joint Rules.

H. C. R. No. 143, Suspending the Joint Rules.

The House has concurred in Senate amendments to House Bill No. 106 by viva voce vote.

The House has concurred in Senate amendments to House Bill No. 153 by viva voce vote.

The House has adopted the Conference Committee Report on Senate Bill No. 220 by viva voce vote.

The House has concurred in Senate amendments to House Bill No. 436 by viva voce vote.

The House has adopted the Conference Committee Report on House Bill No. 135 by a viva voce vote.

The House has concurred in Senate amendments to House Bill No. 529 by vote of 119 ayes, 5 noes.

The House has concurred in Senate amendments to House Bill No. 134 by viva voce vote.

The House has concurred in Senate amendments to House Bill No. 190 by viva voce vote.

The House has concurred in Senate amendments to House Bill No. 351 by viva voce vote.

The House has concurred in Senate amendments to House Bill No. 440 by non record vote.

The House has concurred in Senate amendments to House Bill No. 51 by vote of 114 ayes, 14 noes.

The House has concurred in Senate amendments to House Bill No. 391 by viva voce vote.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Resolution 574

(Caucus Report)

Senator Aikin offered the following resolution:

Austin, Texas,
May 12, 1959.

Honorable Ben Ramsey, President of the Senate.

Austin, Texas

Sir: At a caucus held on May 12,

1959, and attended by 30 members of the Senate, the following recommendations were made, to-wit:

Be it resolved by the Senate,

That the following named employees be retained for a number of days at the per diem salary specified in each case to perform such duties as may be required of them in connection with the business of the State, viz:

The Secretary of the Senate shall be retained during the interval between adjournment of this session and the convening of the next session of the Legislature, for which services he shall receive the same per diem (\$500 per month) which he now receives, and in addition thereto he and the Lieutenant Governor shall be furnished postage, telegraph, telephone, express and all other expenses incident to the office.

Three Assistant Secretaries of the Senate may be employed by the Secretary of the Senate and shall be retained during the interval between adjournment of this session and the convening of the next session of the Legislature with a salary of \$14.00 per day.

The Lieutenant Governor may employ such employees as are necessary for the operation of his office from the closing of this session and until the convening of the next session and shall also employ some suitable person who shall index and annotate the Legislative Manual for the Senate of the Fifty-seventh Legislature and provide sufficient copies thereof to be paid for out of the Contingent Expense Fund for the use of the members of the Senate.

The Warrant Clerk shall be retained for a period of 5 days at a salary of \$13.00 per day.

The Calendar Clerk shall be retained for five days at a salary of \$14.00 per day and the Assistant Calendar Clerk shall be retained for 5 days at \$13.00 per day.

The Journal Clerk, Mrs. Minnie Meier, shall be retained for a period of five days at \$15.00 per day, and Mrs. Olga Schneider, Assistant Journal Clerk, shall be retained for five days at \$13.00 per day.

The Sergeant-at-Arms, John Dorman, shall be retained for the interim at the same pay he now receives, and fifteen assistants for five days at salaries paid during the Reg-

ular Session of the 56th Legislature. The Lieutenant Governor may employ or retain at \$7.00 per day as many porters as may be necessary and a head porter at \$12.00 per day.

The Enrolling and Engrossing Clerk shall be retained five days at \$19.00 per day, and five assistants to assist her shall be retained for five days at \$11.00 per day, and one assistant for five days at \$14.00 per day.

The private secretary of each Senator may be retained for five days at \$14.00 per day to perform such duties as may be required of them, and the same number of employees in each Senator's office at salaries authorized during the Regular Session may be retained for five days.

The Postmistress shall be retained for five days at \$14.00 per day, after which time the Secretary of the Senate shall attend to all of the mail.

The Mailing Clerk of the Senate shall be retained for five days at \$14.00 per day and one assistant for five days at \$13.00 per day, two assistants for five days at \$11.00 per day and one assistant at \$14.00 per day for five days.

The Chairman of the Senate Committee on Contingent Expenses is hereby authorized and directed to cause the Senate Chamber to be placed in order and an inventory made of all furniture and fixtures in the Senate Chamber and in the private offices of the members, as well as of the supplies and equipment on hand in the room of the Sergeant-at-Arms, and close his books for the Fifty-sixth Regular Session of the Legislature. He shall also examine records and accounts payable out of the Contingent Expense Fund as shall be necessary, properly to approve all claims and accounts against the Senate, and no claim or account shall be paid without his consent and approval, and he shall be entitled to receive his actual and necessary expenses incurred while in the performance of such duties during the interim.

The Lieutenant Governor shall appoint a Custodian of the Senate to perform such services as the Lieutenant Governor or the Secretary of the Senate may direct and to receive the sum of \$11.00 per day.

It is further recommended that the Chairman of the Finance Committee shall have authority to employ such additional employees of his own selection as may be needed by said com-

mittee, said employee to receive the same compensation paid similar positions as herein fixed, who shall discharge the duties of the Finance Committee.

Resolved, That there shall be printed 325 volumes of the Senate Journal of the Regular Session of the Fifty-sixth Legislature, and when completed, 250 copies shall be bound in buckram and delivered to the Secretary of the Senate and one volume thus bound shall be forwarded by the Secretary of the Senate to each member of the Senate and House of Representatives, to the Lieutenant Governor, and seventy-five paper bound copies shall be furnished to the State Library. The printing of such Senate Journals shall be done in accordance with the provisions of this resolution under supervision of the Chairman of the Committee on Contingent Expense, provided further, that it shall be the duty of said Chairman to refuse to receive or receipt for said Journals until corrected and published in accordance with the pre-existing law as finally approved by the Chairman of the Committee on Contingent Expense of the Senate. When the accounts have been certified to by the Chairman of the Senate Committee on Contingent Expense, said accounts shall be paid out of the Contingent Expense Fund of the Fifty-sixth Legislature; and be it further

Resolved, That all salaries herein authorized to be incurred and paid for shall be paid out of the per diem and contingent expense fund of the Fifty-sixth Legislature upon warrants signed by the Lieutenant Governor and the Secretary of the Senate. All warrants for the payment of materials, supplies and expenses of the Senate shall be paid upon warrants signed by the Lieutenant Governor and Chairman of the Senate Committee on Contingent Expenses; and be it further

Resolved, That the cash balance on hand under the provisions of S. R. No. 15 of the Forty-seventh Legislature be turned over to the Secretary of the Senate and he is directed to have full charge of the vending machines and to expend receipts thereof as now authorized by said resolution; and be it further

Resolved, That a matron be retained for the women's rest room at a salary of \$7.00 per day; and be it further

Resolved, That the Lieutenant Governor and the Chairman of the Senate

Committee on Contingent Expense shall have authority to employ such additional personnel as may from time to time be required and to purchase such supplies and to make all such repairs and improvements as are necessary between the adjournment of this session and the convening of the next session of the Legislature; and be it further

Resolved, That with the approval of the Lieutenant Governor and the Chairman of the Committee on Contingent Expenses, the actual expenses of members serving on interim committees whose expenses are not otherwise provided for shall be reimbursed from the Contingent Expense Fund; and be it further

Resolved, That the Lieutenant Governor is authorized to appoint a clerk during the ad-interim to work under the direction of the Lieutenant Governor and the Chairman of the Contingent Expense Committee at a salary of \$8.00 per day in an office to be assigned; and be it further

Resolved, That the Lieutenant Governor is authorized to appoint Rev. W. H. Townsend, Senate Chaplain, during the ad-interim as an assistant to work under the direction of the Lieutenant Governor and the Chairman of the Contingent Expense Committee at a salary of \$11.00 per day.

The Sergeant-at-Arms is specifically directed not to permit the removal of any of the property of the Senate from the Senate Chamber or the rooms of the Senate.

Respectfully submitted,

A. M. AIKIN, JR.,
Secretary of the Caucus.

The resolution was read and was unanimously adopted.

House Bill 560 Ordered Not Printed

On motion of Senator Owen and by unanimous consent H. B. No. 560 was ordered not printed.

House Concurrent Resolution 140 on Second Reading

On motion of Senator Herring and by unanimous consent the President laid before the Senate on its second reading the following resolution:

H. C. R. No. 140, Suspending the Joint Rules to consider S. B. No. 53 at any time.

The resolution was read and was adopted.

Record of Votes

Senators Hardeman and Colson asked to be recorded as voting "Nay" on the adoption of the above resolution.

Adoption of Conference Committee Report on House Bill 201

Senator Parkhouse moved the adoption of the Conference Committee Report on H. B. No. 201 which was submitted this morning and further action postponed at that time.

The Conference Committee Report was adopted by the following vote:

Yeas—20

Aikin	Moore
Baker	Owen
Colson	Parkhouse
Dies	Ratliff
Gonzalez	Reagan
Hazlewood	Rogers
Kazen	Secrest
Krueger	Smith
Lane	Willis
Martin	Wood

Nays—5

Bradshaw	Herring
Crump	Roberts
Hardeman	

Absent

Fuller	Moffett
Hudson	Phillips

Absent—Excused

Fly	Weinert
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Senate Resolution 575

Senator Gonzalez offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mrs. Genovena B. Gonzalez and Mrs. A. Carrasco of San Antonio; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Gonzalez by unanimous

consent presented the guests to the Members of the Senate.

**House Concurrent Resolution 141 on
Second Reading**

On motion of Senator Hazlewood and by unanimous consent the President laid before the Senate on its second reading the following resolution:

H. C. R. No. 141, Suspending Joint Rules to consider S. B. No. 486 at any time.

The resolution was read and was adopted.

**Conference Committee Report on
House Bill 105**

Senator Secrest submitted the following Conference Committee Report on H. B. No. 105:

Austin, Texas,
April 27, 1959.

Hon. Ben Ramsey, President of the Senate:

Hon. Waggoner Carr, Speaker of the House of Representatives:

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B. No. 105, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

SECREST
CRUMP
ROGERS
MOORE
HERRING

On the part of the Senate.

WATSON
LATIMER
HUEBNER
THURMAN
DUGAS

On the part of the House.

H. B. No. 105,

**A BILL
TO BE ENTITLED**

AN ACT amending Article 57 of the Revised Civil Statutes of Texas, 1925, as amended, providing for the State Seed and Plant Board, appointment, confirmation, and tenure of members, creation and filling of vacancies, organization and meetings of the

Board, and various powers of the Board; providing for severability; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Article 57 of the Revised Civil Statutes of Texas, 1925, as last amended by Chapter 180, Acts of the Fifty-third Legislature, Regular Session, 1953, is hereby amended to read as follows:

"Article 57. State Seed and Plant Board. The administration of the licensing provisions of Title 4, Chapter 2 of the Revised Civil Statutes and of Chapter 93, Acts of the Forty-first Legislature, First Called Session, 1929 (codified as Article 67a, Vernon's Texas Revised Civil Statutes and Article 1555a, Vernon's Texas Penal Code) shall be vested in a Board to be known as the State Seed and Plant Board, consisting of five (5) members to be appointed by the Governor, with the advice and consent of the Senate. One (1) member shall be from the Department of Genetics of the Agricultural and Mechanical College of Texas; one (1) member shall be from the Department of Agronomy of Texas Technological College; one (1) member shall be a Texas Registered or Certified seed producer; one (1) member shall be the Chief of the Division of Seeds of the Texas Department of Agriculture; and one (1) member shall be a person actively engaged in the seed trade, selling Texas registered or certified seed. Persons appointed from the State Colleges and from the State Department of Agriculture shall be deemed to have been given additional ex officio duties by their appointment to membership on the Board. In the event an appointee severs his employment with the department or division from which he was appointed or fails to retain his active business or professional affiliation as a registered or certified seed producer or in the seed trade, his membership on the Board shall automatically terminate and the vacancy shall be filled as hereinafter provided. Members of the Board shall hold office for a term of two (2) years and until their successors are appointed and have qualified, except that in the initial appointments the first three (3) members mentioned above shall serve for a term of two (2) years and the last two (2) for an initial term of one (1) year and a term of

two (2) years thereafter. In the event of a vacancy caused by death, resignation, inability or ineligibility to act, or any other cause, the Governor shall appoint a qualified person to complete the unexpired term. The Board shall elect annually one (1) of its members as Chairman, one (1) as Vice-Chairman, and one (1) as Secretary. The Board shall meet at such times and places as the Chairman may order. All applicants for license as a registered or certified seed grower shall furnish such information as the Board may require and shall appear in person before the Board if the Board requests it. The Board shall approve and issue licenses for registered and certified seed growers, promulgate rules and regulations governing the producing of foundation, registered and certified seeds, and prescribe the qualifications and approve appointments of inspectors who may be employed under this law. The Board may, from time to time, appoint persons to act in an advisory capacity on technical matters, but such appointees shall not have a vote as Board members."

Sec. 2. If any provisions of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 3. The fact that the changes made by this Act are needed in the public interest creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted by the following vote:

Yeas—22

Aikin	Kazen
Bradshaw	Krueger
Colson	Lane
Crump	Martin
Dies	Moffett
Gonzalez	Moore
Hardeman	Parkhouse
Hazlewood	Reagan
Herring	Roberts

Rogers
Secrest

Smith
Willis

Absent

Baker
Fuller
Hudson
Owen

Phillips
Ratliff
Wood

Absent—Excused

Fly

Weinert

Senate Bill 221 with House Amendments

Senator Herring called S. B. No. 221 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Herring moved that the Senate concur in the House amendments.

The motion prevailed.

Conference Committee Report on Senate Bill 61

Senator Lane submitted the following Conference Committee Report on S. B. No. 61:

Austin, Texas,
May 12, 1959.

Hon. Ben Ramsey, President of the Senate.

Hon. Waggoner Carr, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 61, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

WILLIS
MOORE
DIES
LANE
HARDEMAN

On the Part of the Senate.

HUFFMAN
THURMAN
ECKHARDT
HALE

On the Part of the House.

S. B. No. 61,

A BILL
TO BE ENTITLED

AN ACT amending Section 1 of Article 8309 of the Revised Civil Statutes of Texas, 1925, as amended, to redefine the term "average weekly wages" as used in said Act; amending Section 7d of Article 8306, Revised Civil Statutes of Texas, 1925, as amended, to redefine the maximum limit on attorney's fees; providing for severability; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Section 1 of Article 8309, Revised Civil Statutes of Texas, 1925, as last amended by Chapter 176, Acts of the 48th Legislature, 1943, is amended to read as follows:

"Section 1. The following words and phrases as used in this Act shall, unless a different meaning is plainly required by the context, have the following meanings, respectively:

"'Employer' shall mean any person, firm, partnership, association of persons or corporations or their legal representatives that makes contracts of hire.

"'Employee' shall mean every person in the service of another under any contract of hire, expressed or implied, oral or written, except masters of or seamen on vessels engaged in interstate or foreign commerce, and except one whose employment is not in the usual course of the trade, business, profession or occupation of his employer; provided that an employee who is employed in the usual course of the trade, business, profession or occupation of an employer and who is temporarily directed or instructed by his employer to perform service outside of the usual course of trade, business, profession or occupation of his employer is also an employee while performing such services pursuant to such instructions or directions; provided further, that such persons, other than independent contractors and their employees, as may be engaged in the work of the employer of enlargement, construction, remodeling or repairing of the premises or buildings used or to be used in the conduct of the business of the employer shall be deemed employees; and provided further, that any person, who may be

performing or doing work or service that may be otherwise legally performed or done, shall be deemed an employee as herein defined and shall be entitled to receive compensation under the terms and provisions of this Act despite the fact that such person may not have secured a license, permit or certificate to perform or do such work or service as may be required by any Statute or municipal ordinance, or despite the fact that such persons may have been performing or doing such work or service in violation of any wage law, hour law or Sunday law. Provided that this Section shall not be construed to relieve from fine or imprisonment any person, firm or corporation employing or performing any work or service prohibited by any Statute of this state or any valid municipal ordinance.

"The words 'legal beneficiaries' as used in this Act shall mean the relatives named in Section 8a, Part 1, of this Act.

"'Association' shall mean the 'Texas Employers' Insurance Association' or other insurance company authorized under this Act to insure the payment of compensation to injured employees or to the beneficiaries of deceased employees.

"'Subscriber' shall mean any employer who has become a member of the association by paying the required premium; provided that the association holds a license issued by the Commissioner of Insurance, as provided for in Section 12, Part 3, of this Act.

"'Average weekly wages' shall mean:

"(1) If the injured employee shall have worked in the employment in which he was working at the time of the injury, whether for the same employer or not, for at least two hundred ten (210) days of the year immediately preceding the injury, his average weekly wage shall consist of three hundred (300) times the average daily wage or salary which he shall have earned during the days that he actually worked in such year, divided by fifty-two (52).

"(2) If the injured employee shall not have worked in the employment in which he was working at the time of the injury, whether for the same employer or not, for at least two hundred ten (210) days of the year immediately preceding the injury, his average weekly wage shall consist of three hundred (300) times the average

daily wage or salary which an employee of the same class, working at least two hundred ten (210) days of such immediately preceding year, in the same or in a similar employment, in the same or a neighboring place, shall have earned during the days that he actually worked in such year, divided by fifty-two (52).

"(3) When by reason of the shortness of the time of the employment of the employee, or other employees engaged in the same class of work in the manner and for the length of time specified in the above Subsections 1 and 2, or other good and sufficient reasons, it is impracticable to compute the average weekly wages as above defined, it shall be computed by the Board in any manner which may seem just and fair to both parties, as of the date of injury.

"(4) Said wages shall include the market value of board, lodging, laundry, fuel and other advantage which can be estimated in money which the employee receives from the employer as a part of his remuneration.

"The term 'injury sustained in the course of employment,' as used in this Act, shall not include:

"(1) An injury caused by the act of God, unless the employee is at the time engaged in the performance of duties that subject him to a greater hazard from the act of God responsible for the injury than ordinarily applies to the general public.

"(2) An injury caused by an act of a third person intended to injure the employee because of reasons personal to him and not directed against him as an employee, or because of his employment.

"(3) An injury received while in a state of intoxication.

"(4) An injury caused by the employee's willful intention and attempt to injure himself, or to unlawfully injure some other person, but shall include all other injuries of every kind and character having to do with and originating in the work, business, trade or profession of the employer received by an employee while engaged in or about the furtherance of the affairs or business of his employer whether upon the employer's premises or elsewhere.

"Any reference to any employee herein who has been injured shall, when the employee is dead, also include the legal beneficiaries, as that term is herein used, of such employee

to whom compensation may be payable. The word 'board' whenever used in this Act shall be held to mean the Industrial Accident Board created by this Act. Whenever in this Act the singular is used, the plural shall be included; whenever the masculine gender is used, the feminine and neuter shall be included."

Sec. 2. Section 7d of Article 8306, Revised Civil Statutes of Texas, 1925, as last amended by Chapter 396, Acts of the 55th Legislature, Regular Session, 1957, is amended to read as follows:

"Section 7d. For representing the interest of any claimant in any manner carried from the Board into the courts, it shall be lawful for the attorney representing such interest to contract with any beneficiary under this law for an attorneys' fee for such representation, not to exceed thirty per cent (30%) of the amount recovered, such fee for services so rendered to be fixed and allowed by the trial court in which such matter may be heard and determined.

"In fixing and allowing such attorneys' fees the court must take into consideration the benefit accruing to the beneficiary as a result of such services. No attorneys' fees (other than the amount which the Board may have approved) shall be allowed for representing a claimant in the trial court unless the court finds that benefits have accrued to the claimant by virtue of such representation, and then such attorneys' fees may be allowed only on a basis of services performed and benefits accruing to the beneficiary."

"Provided, however, that in all cases involving fatal injuries where the Association admits liability on all issues involved and tenders payment of maximum benefits in writing under this Act while the death benefits claim of such beneficiaries is pending before the Board, then no attorney fee shall be allowed.

Section 3. The importance of this legislation and the crowded condition of the calendar in both Houses, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended; and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted.

**House Concurrent Resolution 144
on Second Reading**

On motion of Senator Aikin and by unanimous consent the President laid before the Senate on its second reading the following resolution.

H. C. R. No. 144, Suspending the Joint Rules to consider S. B. No. 408 at any time.

The resolution was read and was adopted.

(Senator Kazen in the Chair.)

Senate Concurrent Resolution 80

Senator Aikin offered the following resolution:

S. C. R. No. 80, Commending Mr. Walter E. Long and the staff of the Texas Legislative Service.

Whereas, The House Correspondent, Mr. Finley Henderson, and the Senate Correspondent, Mr. Russell Fish, both of whom have given unstintingly of their time and talents; have been of unlimited assistance to the members of both Houses of the Legislature throughout this 56th Legislature; and have served in this capacity for many years; and

Whereas, During this, the Regular Session of the 56th Legislature, the Texas Legislative Service has presented to each member several copies of the roster of the members of the Texas Legislature, including photographs of the members, districts and counties represented, desk numbers, and the seating arrangement of the members;

Whereas, In addition to the gift of these rosters, the Texas Legislative Service has placed on the desk of each member each morning a copy of its daily report, giving in a condensed form a resume of the activities in each House for the previous day, including a brief summary of each bill introduced, committee reports, bills passed, and other actions in the House and Senate; and

Whereas, These daily reports and the roster have been of great value and benefit to the members and have been furnished at no cost to the members; and

Whereas, It is the desire of the Senate to express our sincere appre-

ciation to Mr. Long and members of his staff; now, therefore, be it

Resolved, By the Senate of Texas, the House of Representatives concurring, That the members of the 56th Legislature express to Mr. Walter E. Long and to all the staff of the Texas Legislative Service, our sincere gratitude and thanks for this worthwhile service during the Regular Session of the 56th Legislature.

AIKIN

Signed—Ben Ramsey, Lieutenant Governor; Baker, Bradshaw, Colson, Crump, Dies, Fly, Fuller, Gonzalez, Hardeman, Hazlewood, Herring, Hudson, Kazen, Krueger, Lane, Martin, Moffett, Moore, Owen, Parkhouse, Phillips, Ratliff, Reagan, Roberts, Rogers, Secrest, Smith, Weinert, Willis, Wood.

The resolution was read.

On motion of Senator Hardeman and by unanimous consent the names of the Lieutenant Governor and the Senators were added to the resolution as signers thereof.

The resolution was then adopted.

Senate Resolution 576

Senator Parkhouse offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the Eighth Grade of St. Cecilia School in Dallas, accompanied by their teachers, Sister Benita Francis and Mrs. Fred Menard; and

Whereas, These students of today are the citizens, leaders, and statesmen of tomorrow, who, with the acceptance of democracy's heritage, must carry on the responsibilities of self-government; and

Whereas, It is highly commendable that these young people are demonstrating, by their visit in the Senate, an interest in the processes of their state government; now, therefore, be it

Resolved, That we extend to these students a cordial welcome; and that a copy of this Resolution, bearing the official seal of the Senate, be sent to them in appreciation of their visit.

The resolution was read and was adopted.

Senator Parkhouse by unanimous consent presented the students and

their teachers to the Members of the Senate.

Senate Resolution 577

Senator Herring offered the following resolution:

Whereas, A baseball game to be played in Austin Tuesday, May 12, 1959, between the Austin Senators and the Nuevo Laredo Tecolotes will signal the launching of inter-league play between the Texas and Mexican Leagues and the inauguration of the Pan-American Association; and

Whereas, Competition in the Pan-American Association will mark the first instance in the history of organized baseball of two leagues from two different countries playing a schedule of interlocking games; and

Whereas, It is believed that inter-league play will stimulate new and additional interest in baseball generally and emphasize the solidarity of friendly relations between the two great republics; and

Whereas, The inaugural game will be attended by Mr. George Trautman, President of the National Association of Professional Baseball Leagues; Mr. Ed Doherty, President of the American Association; and other top figures of the baseball world; now, therefore, be it

Resolved, By the Senate of the Fifty-Sixth Legislature of the State of Texas, that the teams and officials of the Pan-American Association be extended our heartiest congratulations and best wishes for a successful season and long continued existence of their program and the establishment of healthy competition between athletes and sports fans of the United States and of Mexico; and, be it further

Resolved, That enrolled copies of this Resolution be sent to Mr. Dick Butler, President of the Texas League Division, and to Mr. Carlos Rubio, President of the Mexican League Division, as an expression of our appreciation for their work.

The resolution was read and was adopted.

House Concurrent Resolution 48 on Second Reading

On motion of Senator Moffett and by unanimous consent the Presiding Officer laid before the Senate on its

second reading the following resolution:

H. C. R. No. 48, Requesting the Executive and Legislative Departments of the Federal Government to issue the necessary administrative ruling or to pass the necessary legislation making poultry, egg, hog and milk producers eligible for loans from the Small Business Administration.

The resolution was read and was adopted.

Senate Bill 378 with House Amendments

Senator Rogers called S. B. No. 378 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Rogers moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—19

Aikin	Moore
Colson	Owen
Crump	Parkhouse
Gonzalez	Phillips
Hardeman	Reagan
Kazen	Roberts
Krueger	Rogers
Lane	Secrest
Martin	Wood
Moffett	

Nays—2

Bradshaw	Dies
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Absent

Baker	Hudson
Fuller	Ratliff
Hazlewood	Smith
Herring	Willis

Absent—Excused

Fly	Weinert
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House Concurrent Resolution 98 on Second Reading

On motion of Senator Bradshaw and by unanimous consent the Presiding Officer laid before the Senate on

its second reading the following resolution:

H. C. R. No. 98, Granting Arlton E. Smith permission to sue the State of Texas.

The resolution was read and was adopted.

House Concurrent Resolution 9 on Second Reading

On motion of Senator Moore and by unanimous consent the Presiding Officer laid before the Senate on its second reading the following resolution:

H. C. R. No. 9, Directing the Commission on Higher Education to make a survey and prepare a guide regarding the residency status of students under the provisions of House Bill No. 265, Acts of the Fifty-fifth Legislature, and directing the governing boards of state institutions of higher education to follow this guide.

The resolution was read and was adopted.

Record of Vote

Senator Bradshaw asked to be recorded as voting "Nay" on the adoption of the above resolution.

House Concurrent Resolution 142 on Second Reading

Senator Roberts asked unanimous consent to suspend the regular order of business and take up H. C. R. No. 142 for consideration at this time.

There was objection.

Senator Roberts then moved to suspend the regular order of business and take up H. C. R. No. 142 for consideration at this time.

The motion prevailed by the following vote:

Yeas—19

Aikin	Martin
Bradshaw	Moffett
Colson	Phillips
Crump	Reagan
Dies	Roberts
Gonzalez	Rogers
Herring	Secrest
Kazen	Smith
Krueger	Wood
Lane	

Nays—4

Hardeman	Parkhouse
Owen	Willis

Absent

Baker	Hudson
Fuller	Moore
Hazlewood	Ratliff

Absent—Excused

Fly	Weinert
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The Presiding Officer laid before the Senate on its second reading the following resolution:

H. C. R. No. 142, Suspending the Joint Rules to consider S. B. No. 444 at any time.

The resolution was read and was adopted.

House Concurrent Resolution 104 on Second Reading

On motion of Senator Herring and by unanimous consent the Presiding Officer laid before the Senate on its second reading the following resolution:

H. C. R. No. 104, Granting permission to the Children of the Confederacy to place a bronze plaque in the State Capitol.

The resolution was read and was adopted.

Conference Committee Report on House Bill 629

Senator Parkhouse submitted the following Conference Committee Report on H. B. No. 629:

Austin, Texas,
May 12, 1959.

Hon. Ben Ramsey, President of the Senate.

Hon. Waggoner Carr, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B. No. 629, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

PARKHOUSE
BAKER
PHILLIPS
REAGAN
HERRING

On the Part of the Senate.

HUGHES
JAMES
WHITFIELD

On the Part of the House.

H. B. No. 629,

A BILL
TO BE ENTITLED

AN ACT amending Section 8 of Chapter 427, Acts of the 54th Legislature, Regular Session, 1955, so as to fix the minimum and maximum salaries of certain officials in all counties of the State having a population of 600,000 inhabitants or more according to the last preceding census; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Section 8 of Chapter 427, Acts of the 54th Legislature, Regular Session, 1955, be and the same is hereby amended so as to read hereafter as follows:

"Sec. 8. (a) In all counties of this State having a population of at least 600,000 inhabitants according to the last preceding Federal Census, the Commissioners Court of such counties shall fix the salaries of county officials in the following manner:

The salary of the County Commissioners shall be Thirteen Thousand, Two Hundred (\$13,200.00) per annum; the Criminal District Attorney and District Attorney, not less than Ten Thousand Dollars (\$10,000.00) nor more than Sixteen Thousand Dollars (\$16,000.00); Tax Assessor and Collector, not less than Ten Thousand Dollars (\$10,000.00) nor more than Fifteen Thousand Dollars (\$15,000.00), provided, however, that the total compensation received by the Tax Assessor and Collector, including all additional fees and compensation, shall not exceed Sixteen Thousand Dollars (\$16,000.00) per annum in the aggregate; Probate Judge, not less than Ten Thousand Dollars (\$10,000.00) nor more than Fifteen Thousand, Two Hundred Dollars (\$15,200.00); Sheriff, not less than Ten Thousand Dollars (\$10,000.00) nor more than Fifteen Thousand, Two Hundred (\$15,200.00); Judges of the County Courts at Law and County Criminal Courts, not less than Ten Thousand Dollars (\$10,000.00) nor more than Fourteen Thousand, Four Hundred (\$14,400.00), County Clerk and District Clerk, not

less than Ten Thousand Dollars (\$10,000.00) nor more than Fourteen Thousand Four Hundred Dollars (\$14,400.00); County Purchasing Agent, not less than Ten Thousand Dollars (\$10,000.00) nor more than Twelve Thousand, Five Hundred Dollars (\$12,500.00); Assistant County Purchasing Agent, not less than Five Thousand Dollars (\$5,000.00) nor more than Seven Thousand, Five Hundred Dollars (\$7,500.00); County Engineer, not less than Ten Thousand Dollars (\$10,000.00) nor more than Thirteen Thousand, Two Hundred Dollars (\$13,200.00).

"(b) In all counties of this State having a population of 600,000 and less than 800,000 inhabitants according to the last preceding Federal Census, the Commissioners Court of such counties shall fix the salaries of the County Judge at Sixteen Thousand Dollars (\$16,000.00) per annum. In all counties of this State having a population of 800,000 or more inhabitants according to the last preceding Federal Census, the Commissioners Court of such counties shall fix the salaries of the County Judge at Sixteen Thousand, Five Hundred Dollars (\$16,500.00) per annum.

Sec. 2. The importance of this matter and the crowded condition of the calendar create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted.

Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the adoption of the Conference Committee Report on H. B. No. 629.

At Ease

On motion of Senator Hardeman and by unanimous consent the Senate at 3:56 o'clock p.m. agreed to Stand at Ease until 5:45 o'clock p.m. today.

While the Senate was standing At Ease Senators Reagan, Hardeman and Krueger occupied the Chair.

Message from the House

Hall of the House of Representatives.

Austin, Texas,
May 12, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 80, Commending Mr. Walter E. Long and the members of The Texas Legislative Service.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

(President in the Chair.)

Bills and Resolutions Signed

The President signed in the presence of the Senate after the captions had been read, the following enrolled bills and resolutions:

H. C. R. No. 9, Directing the Commission on Higher Education to make a survey and prepare a guide regarding the residency status of students under the provisions of House Bill No. 265, Acts of the Fifty-fifth Legislature, and directing the governing boards of state institutions of higher education to follow this guide.

H. C. R. No. 12, Authorizing the Secretary of State and the State Board of Insurance to transfer on the Comptroller's records the equipment and property which was purchased with money appropriated to the separate security divisions.

H. C. R. No. 48, Requesting the Executive and Legislative Departments of the Federal Government to issue the necessary administrative ruling or to pass the necessary legislation making poultry, egg, hog and milk producers eligible for loans from the Small Business Administration.

H. C. R. No. 98, Granting Arlton E. Smith permission to sue the State of Texas.

H. C. R. No. 104, Granting permission to the Children of the Confederacy to place a bronze plaque in the State Capitol.

H. C. R. No. 144, Suspending the Joint Rules in order that both Houses may consider S. B. No. 408 at any time.

H. C. R. No. 141, Suspending Joint Rules to consider at any time S. B. No. 146.

H. C. R. No. 140, Suspending Joint Rules to consider at any time S. B. No. 53.

H. C. R. No. 142, Suspending Joint Rules to consider at any time S. B. No. 444.

H. B. No. 984, A bill to be entitled "An Act making it unlawful except under the provisions of this Act for any person to hunt, take, kill or attempt to kill or possess, any game bird or game animal in Taylor County at any time; etc., and declaring an emergency."

H. B. No. 618, A bill to be entitled "An Act authorizing Bell County to supplement the salary of the District Attorney of the 27th Judicial District; and providing for severability; etc.; and declaring an emergency."

H. B. No. 556, A bill to be entitled "An Act defining 'dangerous drugs'; regulating the possession, handling, sale, obtaining, and distribution of 'dangerous drugs'; providing for injunction to prevent violations; providing penalties for violation; providing for severability; etc., and declaring an emergency."

H. B. No. 391, A bill to be entitled "An Act to amend Article 3.39 of Chapter 3 of the Insurance Code (Acts of 1951, 52nd Legislature, as amended by the Acts of 1955, 54th Legislature, Page 916, Chapter 363, Section 12) to regulate the investment of the funds of life insurance companies; etc., and declaring an emergency."

H. B. No. 741, A bill to be entitled "An Act authorizing the Board of Directors of Texas Technological College to grant easement to City of Lubbock; etc.; and declaring an emergency."

H. B. No. 437, A bill to be entitled "An Act to constitute the District Courts and Criminal District Courts of Harris County as Constitutional District Courts of general jurisdiction, etc.; and declaring an emergency."

H. B. No. 598, A bill to be entitled "An Act authorizing the Game and Fish Commission to transfer and con-

vey certain land in Eastland County to the highest bidder, etc.; and declaring an emergency."

H. B. No. 306, A bill to be entitled "An Act applying to certain drainage districts created under Section 52, Article III, Constitution of Texas; authorizing and providing for the annexation of territory thereto; providing the procedure for such annexation; etc.; and declaring an emergency."

H. B. No. 892, A bill to be entitled "An Act revising the schedule of fees to be received by notaries public, etc., and declaring an emergency."

H. B. No. 966, A bill to be entitled "An Act relating to service of motor vehicle operators who become non-resident, etc., and declaring an emergency."

H. B. No. 842, A bill to be entitled "An Act allowing cities to regulate rendering plants within the city limits or within one mile thereof; and declaring an emergency."

H. B. No. 748, A bill to be entitled "An Act to provide for suit for custody and support of child or children under 18 years of age against a parent when said parent was granted a divorce decree in a foreign jurisdiction and the granting court was silent as to custody and support of such children; etc.; and declaring an emergency."

H. B. No. 862, A bill to be entitled "An Act providing for the transfer of title to certain lands from the State of Texas now under the jurisdiction and control of the Texas Youth Council, to the County of Upshur, aggregating 81 acres of land, more or less, including buildings, structures, improvements, and appurtenances, and being a part of the original tract of land composing the Dickson Colored Orphanage, for the purpose of a public park; repealing all laws and parts of laws in conflict herewith; providing a saving clause; and declaring an emergency."

H. B. No. 833, A bill to be entitled "An Act regulating the hunting, taking and killing of wild squirrels in Upshur and Wood Counties; providing open and closed seasons; providing bag limits; providing penalties for violation of this Act; providing for enforcement of this Act; provid-

ing a repealing clause; and declaring an emergency."

H. B. No. 188, A bill to be entitled "An Act providing for the maintenance, care and education of persons under the age of eighteen (18) years who are totally deaf and blind or totally blind and non-speaking; repealing Chapter 122, Acts of the 54th Legislature, 1955; and declaring an emergency."

H. B. No. 968, A bill to be entitled "An Act relating to the employment and compensation of the secretary or stenographer of the County Judge in Counties having a population of not less than One Hundred Thousand (100,000) nor more than One Hundred Ten Thousand (110,000) according to the last preceding Federal census; providing that this Act shall be cumulative; and declaring an emergency."

H. B. No. 640, A bill to be entitled "An Act to amend Section 3 of Chapter 76 of the Acts of the 43rd Legislature, First Called Session, 1933, to provide the manner of incorporating water supply or sewer service corporations authorized by said Chapter 76; with provisions relative to Directors of said corporations; naming of them, their number, their terms of office and their election; providing a severability clause; and an emergency clause."

H. B. No. 839, A bill to be entitled "An Act quitclaiming the States' interest in certain land in McLennan County; and declaring an emergency."

H. B. No. 301, A bill to be entitled "An Act to amend Chapter 445, Acts of the Fifty-second Legislature, Regular Session, 1951, (codified as Article 326k-21, Vernon's Texas Civil Statutes), to provide an additional compensation to the assistant District Attorney of the 27th Judicial District, and providing for payment thereof; etc., and declaring an emergency."

H. B. No. 416, A bill to be entitled "An Act validating, ratifying and confirming the organization of Bell County Water Control and Improvement District No. 5, in Bell County, Texas, and of certain acts of its Board of Directors; and declaring an emergency."

H. B. No. 724, A bill to be entitled

"An Act creating a conservation and reclamation district under the provisions of Section 59, Article 16, Constitution of Texas, to be known as 'Bell County Improvement District'; defining the boundaries of the District; etc., and declaring an emergency."

H. B. No. 989, A bill to be entitled "An Act granting additional powers to Kent Creek Water Control and Improvement District No. One in Briscoe County, Texas; stating effect of this Act; etc., and declaring an emergency."

H. B. No. 952, A bill to be entitled "An Act to authorize and require the appointment of an official shorthand reporter to the 100th Judicial District of Texas; etc.; and declaring an emergency."

H. B. No. 227, A bill to be entitled "An Act to amend Section 1 of Chapter 82, General and Special Laws, Fifty-fourth Legislature, Regular Session, 1955, to provide for the taking of fish by hand or with a seine or net having meshes of one inch square from the waters of Rains County and the waters of the Sabine River in Van Zandt County; and declaring an emergency."

H. B. No. 983, A bill to be entitled "An Act amending H. B. 67, Acts 1931, 2nd C. S. 42nd Legislature, Chapter 17, permitting the catching of shrimp for bait purposes in the waters of Baffin Bay in Kleberg and Kenedy Counties, providing a severability or saving clause, and declaring an emergency."

H. B. No. 692, A bill to be entitled "An Act providing an open season for hunting wild buck deer, wild turkey gobblers and collared peccary or javelina, in Justice Precinct No. 1 in Kenedy County; providing a bag limit for said precinct in said county; providing a penalty for the violation of this Act; etc., and declaring an emergency."

H. B. No. 317, A bill to be entitled "An Act amending Senate Bill No. 36, Page 544, General and Special Laws of the State of Texas, Forty-sixth Legislature, Regular Session, 1939, as amended by House Bill No. 611, Chapter 562, Page 914, General and Special Laws of the State of Texas, Forty-seventh Legislature, Regular Session 1941, as amended,

which is codified as Article 695c, Vernon's Texas Civil Statutes, by adding a new section to be known as Section 29-A; etc.; and declaring an emergency."

H. B. No. 529, A bill to be entitled "An Act relating to allowance for traveling expenses and automobile depreciation of members of the Commissioners Court in certain counties of this state; amending Sections 1, 2, and 3 of Chapter 456, Acts of the 52nd Legislature, 1951; repealing Sections 3a and 3b; and declaring an emergency."

H. B. No. 944, A bill to be entitled "An Act to create the Valley Creek Water Control District as a conservation and reclamation district in portions of Nolan, Runnels and Taylor Counties under the provisions of Article XVI, Section 59, of the Constitution of Texas; etc., and declaring an emergency."

H. B. No. 261, A bill to be entitled "An Act relating to petit juries in counties using the jury wheel; amending Articles 2097 and 2099 of the Revised Civil Statutes of Texas, 1925, relating to the preparation and delivery of lists of petit jurors and to disposition of the cards containing the names of the jurors; and declaring an emergency."

H. B. No. 262, A bill to be entitled "An Act relating to petit juries in counties using the jury wheel; amending Article 2096 of the Revised Civil Statutes of Texas, 1925, so as to permit the drawing of additional lists of petit jurors during a term of court; and declaring an emergency."

H. B. No. 865, A bill to be entitled "An Act to amend subdivisions G and M of Section 35 of Chapter 269 of the Acts of the Fifty-fifth Legislature relating to fees to be charged and collected by the Securities Commissioner; providing severability; and declaring an emergency."

H. B. No. 4, A bill to be entitled "An Act repealing subsections 2 through 19 of Section 1 of Senate Bill No. 269, Acts 1945, 49th Legislature, page 629, Chapter 358, as amended by Senate Bill No. 256, Acts 1949, 51st Legislature, page 411, Chapter 220, as further amended, by Senate Bill No. 143, Acts 1951, 52nd Legislature, page 612, Chapter 363,

also known as Articles 6053 and 6052a of the Revised Civil Statutes of Texas; etc.; and declaring an emergency."

H. B. No. 87, A bill to be entitled "An Act amending Subdivision 106 of Article 199, Revised Civil Statutes of Texas, 1925, as amended, reorganizing the 106th Judicial District of Texas; creating the 121st Judicial District of Texas to be composed of the counties of Terry, Dawson, Gaines and Yoakum, and providing for the terms of said Judicial Districts; etc.; and declaring an emergency."

H. B. No. 152, A bill to be entitled "An Act amending Section 6 of Article 3883i, Revised Civil Statutes of Texas, 1925; Acts 1955, 55th Legislature, page 1137, Chapter 427, Section 6, by adding thereto the office of Veterans County Service Officer, repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 364, A bill to be entitled "An Act amending Section 83, the Texas Mental Health Code, Acts Fifty-fifth Legislature, 1957, Chapter 243, page 505; providing for judicial restoration of persons previously adjudged mentally incompetent; providing a severability clause and declaring an emergency."

H. B. No. 597, A bill to be entitled "An Act amending Section 4 of the Public Accountancy Act of 1945, as amended (codified as Article 41a, Vernon's Texas Civil Statutes) so as to increase to six (6) years the terms for members of the Texas State Board of Public Accountancy; etc.; and declaring an emergency."

H. B. No. 542, A bill to be entitled "An Act creating a permanent Judicial District Court to be known as the 146th Judicial District Court of Texas, composed of Lampasas, Mills and Bell Counties; providing for the terms of court and the Judge and officers of said court; containing provisions to facilitate the incorporation of this new Judicial District in the counties covered; repealing all laws in conflict; providing for severability; and declaring an emergency."

H. B. No. 237, A bill to be entitled "An Act amending Chapter Seven, Articles 119, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, and 135, and Repealing Articles 120 and 134 of the Revised Civil Statutes of Texas, 1925, dealing with inspec-

tion of Nurseries, Florists, Florist items, Nursery Stocks, Nursery products, cut flowers, and allied products; etc.; and declaring an emergency."

H. B. No. 82, A bill to be entitled "An Act to amend Chapter 471, Acts of the 52nd Legislature, Regular Session, 1951, as amended, compiled as Vernon's Civil Statutes, Art. 373a, by amending Section 2, inserting a new Section 2a, and amending Section 4 and 5 so as to provide for admissibility of a greater number of domestic and foreign records, admissibility of foreign laws as evidence of the matters contained therein, and for authentication of such records and foreign laws; and declaring an emergency."

H. B. No. 107, A bill to be entitled "An Act relating to the compensation of grand jury bailiffs in counties below two hundred and fifty thousand (250,000) population; repealing all laws in conflict; and declaring an emergency."

H. B. No. 935, Amending Acts of the Fifty-fourth Legislature, 1955, Chapter 257, page 715, codified as Article 4494-N, Vernon's Civil Statutes of Texas, by adding thereto another Section 5a, authorizing the Board of Managers to establish a retirement program in addition to the retirement program provided for therein; providing a severability clause; and declaring an emergency."

H. B. No. 936, A bill to be entitled "An Act concerning the payment of aid and compensation to persons who have paid fines or served sentences for crimes of which they are not guilty; and declaring an emergency."

H. B. No. 996, Amending Chapter 7, Acts of the Fifty-fifth Legislature of Texas, First Called Session, 1957; validating acts and proceedings had or performed by counties, the Commissioners Courts thereof, and the Boards of Parks Commissioners thereof under said Chapter 7, and validating revenue bonds voted in such counties under said Chapter 7 and all the proceedings relating thereto; providing a severability clause; and declaring an emergency."

H. B. No. 998, A bill to be entitled "An Act ratifying, confirming and validating Collingsworth County Water Control and Improvement District Number One and declar-

ing it to be a validly existing and operating conservation and reclamation district under Section 59, Article XVI, Constitution of Texas; etc.; and declaring an emergency.

H. B. No. 356, A bill to be entitled "An Act making it unlawful to knowingly make use of an expired or revoked credit card in obtaining credit for the purchase of gasoline, motor oil, or other motor vehicle supplies, equipment, or services; etc.; and declaring an emergency."

H. B. No. 957, A bill to be entitled "An Act relating to the municipal pension systems in certain cities; amending Chapter 358, Acts of the 48th Legislature, 1943, as amended, repealing Subsection c, Section 3, Chapter 358, Acts of the 48th Legislature, 1943, as amended; and declaring an emergency."

H. B. No. 171, A bill to be entitled "An Act amending Section 7, Acts 1937, 45th Legislature, page 1352, chapter 502, and amendments thereto, to include certain amendments and added sections to Article 8306, Revised Civil Statutes of Texas, 1925, fixing fees of attorneys before the Board and before the courts and placing certain limitations thereon and making such amendments and conditions for the determination of injuries and benefits applicable to employees of the State Highway Department; providing a saving clause; and declaring an emergency."

H. B. No. 47, A bill to be entitled "An Act adding Articles 879h-1, 879h-2 and 879h-3 to Article 879 of the Penal Code of Texas, providing for an archery season on turkey, deer, bear and javelina; forbidding possession of a firearm or crossbow while hunting during said season; etc.; and declaring an emergency."

H. C. R. No. 92, Requesting the Texas Legislative Council to study municipal annexation and report its findings to the Fifty-seventh Legislature.

H. B. No. 890, An Act authorizing the Commissioners Court in and for the County of Wood to use force labor, county owned equipment and technical help in construction and maintenance work within the bounds of Governor James Stephen Hogg Memorial Shrine Park; etc.; and declaring an emergency.

H. B. No. 689, A bill to be entitled "An Act to amend Section 4 of Chapter 161, Acts of the Fifty-fifth Legislature, Regular Session, the same being Section 4 of Article 1182c-1 of the Revised Civil Statutes of the State of Texas, to provide that when cities have annexed all the territory within one or more Water Control and Improvement Districts or one or more Fresh Water Supply Districts; etc.; and declaring an emergency."

H. B. No. 834, A bill to be entitled "An Act amending Section 1, H. B. 390, Chapter 331, Acts of the 55th Legislature, Regular Session, 1957, prescribing an open season on deer in Upshur and Wood Counties; providing for the registration of out-of-county hunters; and declaring an emergency."

H. B. No. 624, A bill to be entitled "An Act amending paragraph 3 of Section 1, Article 3.04 of Chapter 3 of the Insurance Code of Texas (Acts of 1951 of the 52nd Legislature as amended by Senate Bill 203 of the 55th Legislature, 1957, Chapter 122) pertaining to the conditions required to be met as a prerequisite to the granting of a charter and the organization of life, health, and accident insurance companies; etc.; and declaring an emergency."

H. B. No. 734, A bill to be entitled "An Act amending Article 7094, Vernon's Civil Statutes of the State of Texas, as amended, to provide that the Franchise Tax imposed by Chapter 3, Title 122, of Vernon's Civil Statutes of Texas shall not apply to non-profit water supply or sewer service corporations organized on behalf of cities or towns; and declaring an emergency."

H. B. No. 617, A bill to be entitled "An Act relating to the posting of a cash bond by parents or other person having custody of a delinquent child to assure the compliance of the terms of probation set by the Juvenile Court; and declaring an emergency."

H. B. No. 796, A bill to be entitled "An Act amending Article 14.17 of the Texas Insurance Code so as to increase the One Hundred (\$100.00) Dollars per month expense factor of certain associations to Three Hundred (\$300.00) Dollars per month; and declaring an emergency."

H. B. No. 351, A bill to be entitled "An Act authorizing the Board for Texas State Hospitals and Special Schools to determine the amount of land excess to the needs of the operation of the San Antonio State Hospital; to sell and convey same; and declaring an emergency."

H. B. No. 959, A bill to be entitled "An Act creating 'Turkey Creek Conservation District' under the provisions of Section 59, Article XVI, of the State Constitution; prescribing boundaries of the District and finding benefits; prescribing powers of the District; etc. and declaring an emergency."

H. B. No. 506, A bill to be entitled "An Act (amending the Insurance Code of Texas, Acts 1951, Fifty-second Legislature, Chapter 21, by adding a new article thereto) to provide that minors not less than ten years of age and without guardians of their estates may contract for and otherwise acquire policies of life, term or endowment insurance, or annuity contracts, and exercise all rights and powers and give valid acquittance thereunder notwithstanding their minority and as though of full legal age; etc.; and declaring an emergency."

H. B. No. 51, A bill to be entitled "An Act authorizing a pre-school instructional program for non-English speaking children, providing for instructional units, providing for financing, requiring Central Education Agency to develop program and establish certification standards for teachers in such program, providing a severability or savings clause and declaring an emergency."

H. B. No. 488, An Act amending Sections 3, 8, 9, 11, 12, 14, 16, and 17 of Article 4542a of the Revised Civil Statutes of Texas, 1925, as amended, relating to the regulation and practice of pharmacy; prescribing compensation of the State Board of Pharmacy; etc., and declaring an emergency.

H. B. No. 11, A bill to be entitled "An Act promoting safety by regulating vessels, water skiing, and aquaplaning upon the waters of this State; conferring powers and imposing duties on the Game and Fish Commission, prescribing penalties; and declaring an emergency."

H. B. No. 985, A bill to be entitled "An Act to be known as 'The Hidalgo County Hospital District Law of 1959'; providing for a method of establishing and administering a county wide hospital district; etc.; and declaring an emergency."

H. B. No. 977, A bill to be entitled "An Act making it unlawful except under the provisions of this Act for any person to hunt, take, kill or attempt to kill or possess, any game bird or game animal in Liberty County at any time; etc.; and declaring an emergency."

H. B. No. 819, Amending statutes to allow certain cities to regulate certain properties to promote the health, safety and welfare of the inhabitants, etc., and declaring an emergency.

H. B. No. 682, A bill to be entitled "An Act authorizing the State Librarian to dispose of any records of the State of Texas legally in his custody that are more than ten years old which he shall determine to be valueless to the State of Texas as official records; etc.; and declaring an emergency."

H. B. No. 690, A bill to be entitled "An Act relating to an additional tax for common school districts in certain counties; and declaring an emergency."

H. B. No. 710, A bill to be entitled "An Act amending Sections 1, 2 and 3 of H. B. No. 352, Chapter 436, Page 893, Acts of the 45th Legislature, Regular Session, 1937, as amended, (Codified as Article 5221c of Vernon's Revised Texas Statutes) relating to the inspection of boilers; changing the definitions of the term 'boiler'; revising the list of boilers exempt from the provisions of the Act; and declaring an emergency."

H. B. No. 440, A bill to be entitled "An Act providing, with some exceptions, for procedure applicable to appeals or proceedings for judicial review of any decision, ruling, rule, regulation, or order of any department, officer, or other administrative agency of the State government, including a provision that the preponderance-of-the-evidence rule to resolve disputed fact questions shall be applicable to some issues, and the substantial-evidence rule shall be applicable to other issues; etc., and declaring an emergency."

H. B. No. 414, A bill to be entitled "An Act amending Sections 3 and 5 of Chapter 105, Acts of the 52nd Legislature, 1951, as amended, allowing the use of more than one trotline, each of which shall not be equipped with more than thirty (30) hooks, and allowing the use of minnow seines not in excess of fifty (50) feet in Buchanan Lake only; and declaring an emergency."

H. B. No. 927, A bill to be entitled "An Act authorizing the Comptroller, State Treasurer, and the State Board of Insurance to transfer certain funds from the Travel Expense Appropriation for the State Board of Insurance to Other Operating Expense Appropriations; and declaring an emergency."

H. B. No. 201, An Act prohibiting false wholesale advertising and misrepresenting the true nature of business; defining the term "wholesale" as used in the Act; etc., and declaring an emergency."

H. B. No. 863, A bill to be entitled "An Act providing for the issuance of permits, upon the payment of a prescribed fee, to certain commercial motor vehicles owners to haul loads of larger tonnage; and declaring an emergency."

H. B. No. 105, A bill to be entitled "An Act amending Article 57 of the Revised Civil Statutes of Texas, 1925, as amended, providing for the State Seed and Plant Board, appointment and tenure of members, creation and filling of vacancies, organization and meetings of the Board, and various powers of the Board; providing for severability; and declaring an emergency."

H. B. No. 106, A bill to be entitled "An Act authorizing the Commissioners Court of each County to provide for paid vacations, holidays and sick leave, and to provide for deductions for absences, for employees working under the Commissioners Court or its appointees or under a County Commissioner or his appointees; stating the effect of this Act on existing laws; and declaring an emergency."

H. B. No. 135, An Act regulating the movement of livestock out of livestock markets in order to prevent the dissemination of infectious, contagious and communicable livestock

diseases; providing a penalty for violation; and declaring an emergency.

H. B. No. 139, An Act regarding defendants in felony cases who are not able to pay for a transcript of the evidence; amending Section 5, Chapter 465, Acts of the Fifty-second Legislature, 1951; and declaring an emergency.

H. B. No. 134, A bill to be entitled "An Act amending Section 37 of the Election Code of the State of Texas (Article 5.05, Vernon's Texas Election Code), so as to change the period for absentee voting; etc.; and declaring an emergency."

H. B. No. 153, An Act requiring veterinarians to report certain contagious and infectious diseases of animals and domestic fowl to the Livestock Sanitary Commission of Texas and to inform the owner or caretaker of livestock or fowl which have died of anthrax or ornithosis to burn such animals or fowl as provided by law; providing that a specimen from animals diagnosed as having died of anthrax be submitted for laboratory examination; providing a penalty for violation; and declaring an emergency.

H. B. No. 168, A bill to be entitled "An Act creating an additional district court in Ector County, Texas, to be known as the 161st Judicial District; etc.; and declaring an emergency."

H. B. No. 187, An Act changing the name of the Livestock Sanitary Commission to the Texas Animal Health Commission; and declaring an emergency.

H. B. No. 190, An Act providing that whenever negligence is alleged as a criminal offense, it shall be necessary that the indictment, information, or complaint state the particular act or omission relied on; providing that this Act shall be cumulative of all the laws of the State; and declaring an emergency.

H. B. No. 247, A bill to be entitled "An Act authorizing the District Attorney of the 142nd Judicial District of Midland County, Texas, with approval of the Commissioner's Court of said county, to employ stenographers, assistants and special investigators, prescribing their compensation, quali-

fications, powers, duties, authority, and method of employment; authorizing the Commissioner's Court to furnish automobiles, telephones, typewriters, office furniture, supplies and other items and equipment, travel expenses, and other necessary expenses of the District Attorney's office; etc.; and declaring an emergency."

H. B. No. 267, A bill to be entitled "An Act relating to the identification of city and county owned vehicles and heavy equipment; providing for penalties for violation; and declaring an emergency."

H. J. R. No. 3, Proposing an amendment to Section 24 of Article III of the Constitution of the State of Texas allowing an annual salary of not to exceed Four Thousand, Eight Hundred Dollars (\$4,800) per year and a per diem allowance of not to exceed Twelve Dollars (\$12) per day for the first one hundred and twenty (120) days only of each Regular Session and for thirty (30) days of each Special Session of the Legislature as the maximum compensation for Members of the Legislature.

H. B. No. 717, A bill to be entitled "An Act amending Section 72 of the Texas Probate Code, Chapter 55, Page 88, of the Acts of the 54th Legislature, 1955, to provide for administration of estates of persons whose deaths shall be proved by circumstantial evidence satisfactory to the court but concerning whose death there is no direct evidence; etc.; and declaring an emergency."

H. B. No. 775, A bill to be entitled "An Act authorizing the Board for Texas State Hospitals and Special Schools to determine the amount of land excess to the needs of the operation of the Wichita Falls State Hospital; to sell and convey same; and declaring an emergency."

H. B. No. 436, An Act creating two (2) additional Criminal District Courts of Harris County, prescribing the jurisdiction thereof; providing for the organization of the Courts; providing for the transfer and docketing of cases; etc.; and declaring an emergency."

H. B. No. 859, A bill to be entitled "An Act authorizing the Commissioners Court of each county, acting by and through the County Auditor of

such county, to place on time deposit with the depository bank for Trust Funds in the possession of County and District Clerks of such county that portion of the Trust Funds account estimated by the County Auditor as not required immediately to pay out all amounts in accordance with court orders; etc.; and declaring an emergency."

S. B. No. 32, A bill to be entitled "An Act relating to the enrichment of corn meal and corn grits by the addition of certain vitamins and minerals thereto; providing a penalty for violations; providing a severability clause; and declaring an emergency."

S. B. No. 53, A bill to be entitled "An Act providing for payment of pensions to Former Texas Rangers and their widows under certain conditions, pursuant to Article XVI, Section 66 of the Constitution of Texas; providing conditions of eligibility and procedure for payment; making an appropriation of such payments; providing for severability; and declaring an emergency."

Subject to provisions of Sec. 49A of Article III of the Constitution of the State of Texas.

S. B. No. 47, A bill to be entitled "An Act amending Article 602, Penal Code of Texas, 1925, and adding a new Article to be numbered Article 602-A, so as to define what shall constitute willfully deserting, neglecting or refusing to provide for the support and maintenance of a wife in necessitous circumstances and to define what shall constitute willfully deserting, neglecting or refusing to provide for the support and maintenance of one's child or children under sixteen years of age; fixing a penalty; etc.; and declaring an emergency."

S. B. No. 218, A bill to be entitled "An Act amending Acts of 1941, Forty-seventh Legislature, Chapter 105, Page 134, as amended (Vernon's Texas Civil Statutes, Article 6243f); amending Section 1 thereof, as amended by providing for the creation of a Fireman and Policemen's Pension Fund and a permanent pension system in incorporated cities having a fully paid Fire and Police Department when such cities once have a population of more than 350,000 and less than 430,000 inhabitants, according to the last preceding Federal Cen-

sus or any future Federal census; and by changing the name of board of trustees and the requirements of eligibility for membership of service members of board of trustees; and providing for their election without appointment by governing body of city; etc.; and declaring an emergency."

S. B. No. 220, A bill to be entitled "An Act amending Article 614 of the Penal Code of Texas, relating to persons engaging in roping contests; and declaring an emergency."

S. B. No. 221, A bill to be entitled "An Act amending Article 1341 of the Penal Code of Texas, relating to driving a vehicle without owner's consent; providing penalties for violations; providing for severability; providing a savings clause; and declaring an emergency."

S. B. No. 237, A bill to be entitled "An Act relating to Trust Receipts and Trust Receipt Transactions and to make uniform the law with reference thereto; citing the Act as the Texas Uniform Trust Receipts Act; providing a saving clause; and declaring an emergency."

S. B. No. 389, A bill to be entitled "An Act validating, ratifying, confirming and approving contracts, scrip warrants and time warrants and refunding bonds authorized by counties or cities (including home-rule cities) or towns since the approval by the Governor of Texas of Chapter 164, Acts of the 52nd Legislature, Regular Session, 1951; etc.; and declaring an emergency."

S. B. No. 378, A bill to be entitled "An Act amending portions of the Veterinary Licensing Act (Chapter 342, Acts of the 53rd Legislature, 1953, codified as Article 7465a of Vernon's Texas Civil Statutes); amending Section 8 to redefine the authority of the State Board of Veterinary Medical Examiners to adopt rules of professional conduct for the profession of veterinary medicine, and the procedure thereof; etc.; and declaring an emergency."

S. B. No. 387, A bill to be entitled "An Act amending Sections 1 and 2, Chapter 186, Acts of the 44th Legislature, Regular Session, 1935, which is codified as Article 1370a in Vernon's Texas Penal Code, prohibiting

the running at large of livestock on designated highways; etc.; and declaring an emergency."

S. B. No. 259, A bill to be entitled "An Act relating to the stopping, standing or parking of vehicles upon the paved or main traveled part of highways outside of a business or residential district; amending paragraph (a), Section 93 of the Uniform Act Regulating Traffic on Highways compiled as Article 6701d, Vernon's Texas Civil Statutes; and declaring an emergency."

S. B. No. 332, A bill to be entitled "An Act to amend Article 6640, as amended, Title 115, Registration of the Revised Civil Statutes of Texas, of 1925; said Article pertaining to the filing of notice of proceedings, suit or action affecting the title of land; and declaring an emergency."

S. B. No. 358, A bill to be entitled "An Act to create the Clear Creek Watershed Authority as a conservation and reclamation district in Montague, Wise, Cooke and Denton Counties under the provision of Article XVI, Section 59 of the Constitution of Texas; etc.; and declaring an emergency."

S. B. No. 394, A bill to be entitled "An Act amending Article 5183, Revised Civil Statutes of Texas, 1925, to enlarge the Industrial Commission to nine members; prescribing qualifications and terms of office; providing for appointments; providing method of filling vacancies; and declaring an emergency."

S. B. No. 419, A bill to be entitled "An Act creating a conservation and reclamation district under Article XVI, Section 59, of the Constitution, comprising certain territory within the State to be known as 'Red River Authority of Texas'; etc.; and declaring an emergency."

S. B. No. 472, A bill to be entitled "An Act validating contracts between a district or authority created under the provisions of Article 16, Section 59, of the Constitution, and cities, towns or villages created under the general law, whereby the district or authority agrees and contracts to furnish a water supply; providing certain exceptions to the operation of the Act; and declaring an emergency."

S. B. No. 408, A bill to be entitled "An Act authorizing the refund of any moneys received by the Board for Texas State Hospitals and Special Schools to which it was not legally entitled, or paid by mistake of fact, law, or under duress; authorizing the refund of unused portions of any payments for the care of patients or students in State hospitals and special schools; authorizing appropriations from which such refunds may be paid; and declaring an emergency."

S. B. No. 486, A bill to be entitled "An Act relating to the representation of the State by the District Attorney for Roberts County in all criminal cases before the County Court of Roberts County; providing for supplemental compensation by the Commissioners Court; and declaring an emergency."

S. B. No. 61, A bill to be entitled "An Act amending Section 1 of Article 8309 of the Revised Civil Statutes of Texas, 1925, as amended; to re-define the term 'average weekly wages' as used in said Act; and declaring an emergency."

S. C. R. No. 60, Granting Steve Paul permission to sue the State of Texas.

S. C. R. No. 62, Requesting the Texas Legislative Council to continue its examination and study of special funds.

S. C. R. No. 17, Creating Texas Educational Standards Commission to study public schools curricula, etc.

S. C. R. No. 29, Authorizing Board of Control to extend certain walkway at southern entrance of Capitol Grounds.

S. C. R. No. 57, Granting Oscar L. Scarborough permission to use the State of Texas.

S. C. R. No. 35, Authorizing Board of Control to prevent erections of signs, etc., on Capitol property.

S. C. R. No. 31, Directing Governor to execute lease of certain land to City of Austin.

S. C. R. No. 56, Requesting State Board of Education to study instruction in natural resources in public schools.

S. C. R. No. 55, Granting The Kan-

sas City Southern Railway Company, The Louisiana and Arkansas Railway Company, and The Landa Motor Lines permission to sue the State.

S. C. R. No. 33, Requesting examination of all proposed legislation upon business climate of the State of Texas.

S. C. R. No. 42, Providing for creation of a committee to study radiation exposure to radioactive materials and certain equipment.

S. C. R. No. 32, Creating an Interim Legislative Committee to Study Problems of the Aged in Texas, Inter-Departmental Committee on Aging, State-wide Conference, etc.

S. C. R. No. 16, Authorizing the Board of Regents of the University of Texas to construct and equip a teaching art museum.

S. C. R. No. 63, Requesting Texas Legislative Council to study fees charged for various services by departments, bureaus and agencies of Executive Department.

S. C. R. No. 18, Providing committee of 9 members to study consolidation of City and County Governments.

S. C. R. No. 24, Dedicating and granting to the City of Austin for street and sewage purposes certain easements and rights-of-way of various lands owned by the State of Texas.

S. C. R. No. 64, To study the need and feasibility of making the University of Houston a State supported institution.

S. C. R. No. 65, Requesting a further study by the Texas Legislative Council of the State-owned submerged lands and islands for report to the 57th Legislature.

S. C. R. No. 28, Authorizing Board of Directors of Agricultural and Mechanical College to construct, equip certain buildings for Texas Agricultural Experiment Station and Texas Forest Service.

S. C. R. No. 80, Commending Mr. Walter E. Long and the members of the staff of the Texas Legislative Session.

Message from the Governor

The following message received

from the Governor today was read and was filed with the Secretary of Senate:

Austin, Texas,
May 12, 1959.

To the Members of the 56th Legislature:

Although unusual for a Governor to submit a message on the last day of a session, I deem it necessary today in order to prepare now to meet the task which lies ahead of us in the thirty-day Special Session which will begin May 18th. I do so in the spirit of sharing with you the burden of meeting the emergency financial needs of our State government. I pledge you my full cooperation and request your suggestions before the delivery of my tax recommendations on May 18th.

I am confident that every member of this Legislature joins me in the hope and determination that we can retire the present deficit and meet the appropriation needs of this State for the next biennium in this first Special Session. It can be done only if you know in advance the spending program which I shall submit, and if together we plan in advance a revenue program which can receive the prompt consideration necessary to final enactment in thirty days' time.

You are aware of the importance of early enactment of such programs. Every month of delay in the effective date of a tax bill simply eliminates one month of the anticipated revenue and requires the ultimate tax bill to be one-twelfth higher for each month of delay. Furthermore, the deficit is costing the State and its special funds more than \$1,200,000 per year or \$100,000 for each month that its retirement is delayed. In addition, each Special Session itself costs at least a quarter of a million dollars.

For all these reasons and because all payments to schools, colleges, hospitals, State employees, old-age pensioners, and all funds necessary for the operation of the State government will be stopped if there is no appropriation bill certified by the Comptroller before September 1st, we face an emergency which must be met during the thirty-day Special Session. Otherwise, the name of Texas will be added to that of Michigan in all of the news media and trade journals of the Nation as a State which cannot pay its debts or the salaries of its employees, judges, and legislators, or fi-

nance the ordinary functions of State government.

I am sure the members of the Legislature are determined that this shall not happen in Texas. However, even before the Special Session convenes, there is speculation that we will not be able to do the job without a second Special Session. In addition, there are powerful forces outside the Legislature already advocating a thirty-day stalemate in order to keep from being taxed.

The purpose of this message is to assure you of my full cooperation in meeting the task before us within the thirty-day period. To be successful we must in advance set this as our determined goal and cooperate toward that end. In addition, we must have the patriotic and constructive understanding and help of the people we represent, including the business and industrial interests of Texas.

In order to do my full share as Governor in solving this problem during the thirty-day session beginning May 18, I shall remain in my office during the interim and will be available to confer and work with each of you and with all citizens of our State. I invite and solicit your suggestions. I have discussed this matter with the Lieutenant Governor, the Speaker of the House, the House Revenue and Taxation Committee, and many others deeply concerned with the problem. The door of the Executive Branch of the government is open to each of you for continuation of these discussions at all times.

The call for the Special Session will be limited to retirement of the present deficit, passage of an appropriation bill to cover necessary spending under presently existing laws, and passage of a tax bill to meet these expenditures. I will purposely limit the call to retiring our debt and caring for present commitments under existing laws, because I think we should attend to first things first. I deem it inadvisable and improper for us to consider new laws that would require new spending before we have cared for the obligations to which this State is already committed under present laws.

There are some new programs which I fully support. For instance, I favor implementation for the medical aid for old-age pensioners authorized by a recent Constitutional amendment. I favor enactment of most of the Hale-Aikin public school program and the commencement of the

payment for as much of the program as possible during this administration. However, both of these programs require new legislation. They are not presently authorized, and I shall not submit them again to the Texas Legislature until we have paid our debts and our obligations under present laws.

I remind all who are interested in the public schools and the aged that a good part of our deficit and a large part of our new revenue are necessary to continue payments of the \$400 increase in teachers' salaries, increase in teachers' retirement, and increased old-age pensions which were voted two years ago. This Legislature is entitled to the full cooperation of all interested in public education and the aged citizens of Texas in raising the revenues to pay them the increases we enacted two years ago before asking for the consideration of new programs and additional expenditures.

I will resubmit the budget recommended on January 21 to the Regular Session insofar as it applies to programs authorized under existing laws, with the additions subsequently recommended for higher education, State employees, and the Board of Water Engineers. This will make my total recommendations from the General Fund approximately \$324 million. Deducting from this the \$184 million estimated by the Comptroller to be available during the next biennium under present laws, there will be a total of \$140 million necessary for the biennium to continue present services, or \$70 million in additional new revenue for each year of the next biennium. However, I shall recommend a tax program large enough to cover the appropriation bill passed by the House, since it was higher than my budget and higher than the Senate appropriation bill. This will leave no room for doubt as to the adequacy of the tax recommendations to cover the needs which will be under consideration during the Special Session.

I shall submit the tax recommendation heretofore made, but with such additions, changes, and alternatives as may be necessary to meet the views of a majority of the members of the Legislature. I have not in the past and shall not in the future seek to impose my tax recommendations as the only proper sources of revenue. I have welcomed your suggestions in the past, and I welcome them

now if you have any other programs that will meet the needs of this State and which will not force a majority of the members of the Legislature to break their solemn commitments made to the people they represent against the enactment of a State income tax or general sales tax.

Like a majority of the members of the Legislature, those are the only commitments which I have concerning taxes, and it is obvious to anyone who reads the Texas Tax Study Commission report that there are sufficient sources available to meet the needs which will be presented at the Special Session without applying these last-resort taxes. I urge anyone either in or outside the Legislature who advocates the adoption of one of these taxes at the Special Session to do so early so that a fair test may be had without delaying the entire session and so that the majority of the Legislature may express itself and arrive at an agreement without being forced to accept or reject any one tax favored by the Governor or any group within the Legislature or outside the Legislature.

I shall recommend enactment of the bookkeeping bill and the one-year corporation franchise tax increase to apply on the deficit, and I am perfectly agreeable to a revision of the Abandoned Property Bill so as to meet the objections made during the Regular Session. This bill can be rewritten so as to follow the present laws of escheat and still protect the rights of the State and all owners who may be found in the future. Together with the bookkeeping bill and the one-year corporation franchise tax, this will yield enough to retire the deficit.

Again, I pledge my cooperation to each member of the 56th Legislature throughout this interim and during the Special Session and place myself and my staff at your disposal in order that we may share with you in every proper way, and to whatever extent you desire, the responsibility and burden of meeting the pressing financial needs of our State government.

Respectfully submitted,
PRICE DAINEL,
Governor of Texas.

Senate Resolution 580

Senator Aikin offered the following resolution:

Be it Resolved, By the Senate that

the President of the Senate be authorized to appoint a Committee of two to notify the Governor that the Senate is about to adjourn sine die.

The resolution was read and was adopted.

Accordingly, the President announced the appointment of the following committee:

Senators Aikin and Reagan.

Senate Resolution 581

Senator Aikin offered the following resolution:

Be it resolved by the Senate, that the President be authorized to appoint a committee of two to notify the House that Senate is about to adjourn sine die.

The resolution was read and was adopted.

Accordingly, the President announced the appointment of the following:

Senators Colson and Moffett.

Senate Notified

A committee from the House of Representatives appeared at the Bar of the Senate and Mr. Leverton for the committee notified the Senate that

the House was ready to adjourn sine die.

Governor Notified

The committee to notifying the Governor that the Senate was ready to adjourn sine die appeared at the Bar of the Senate and Senator Aikin for the committee reported that the committee had performed the duty assigned it.

House Notified

The committee to notify the House of Representatives that the Senate was ready to adjourn sine die appeared at the Bar of the Senate and Senator Moffett for the committee reported that the committee had performed the duty assigned it.

Adjournment Sine Die

The President announced that the hour fixed by concurrent action of the House and Senate for final adjournment of the Regular Session of the Fifty-sixth Legislature had arrived.

Senator Colson moved that the Senate stand adjourned sine die.

The motion prevailed and the President declared the Regular Session of the Fifty-sixth Legislature adjourned sine die at 5:55 o'clock p.m.

In Memory of
Roger C. Neely, Jr.

Senator Willis offered the following resolution:

(Senate Resolution 578)

Whereas, The calling of Roger C. Neely, Jr., to his Eternal Reward on the Twentieth Day of January in the Year of Our Lord, Nineteen Hundred and Fifty-nine, has taken from Tarrant County and Texas a noble son; and

Whereas, This splendid young man exemplified the very best in our American way of life. He gave above and beyond the call of duty to his State and Nation as a combat pilot in World War II and as an intelligence officer in the Korean conflict and was decorated by a grateful Nation with the Silver Star for heroism. He was wounded in the service of his country; and

Whereas, Roger was typical of fine young manhood by his devotion to his God, Family and Community. He was a kind son, a loving father and a considerate neighbor. His contributions to his associates, family and friends cannot be measured by words alone; and

Whereas, It is the desire of the Senate to pay tribute to the memory of this distinguished young man, whose constructive influence pervades all areas in which he lived and the lives of his countless friends throughout Texas; now, therefore, be it

Resolved, by the Senate of Texas, That we extend our sincere sympathy to the family of this fine young man; that a copy of this resolution be sent to each member of his family; that a page in today's Senate Journal be devoted to his memory; and that when the Senate adjourns today, it do so in memory and honor of Roger C. Neely, Jr.

The resolution was read and was adopted by a rising vote of the Senate.

In Memory of The Honorable Tom A. DeBerry

Senator Aikin offered the following resolution:

(Senate Resolution 579)

Whereas, The Honorable Tom A. DeBerry, beloved Texas Statesman, philosopher and humorist, died on November 10, 1958 at the age of 71; and

Whereas, He was born on a Texas farm near Bogata, in Red River County, on October 14, 1887. He attended schools there, in nearby Clarkville, and at the University of Arkansas, where he voluntarily gave up his formal studies and his ambition to become a lawyer in his junior year upon the death of his father to return to Bogata to help keep family affairs on the farm in an effort to assist his mother in rearing his younger sister and ten younger brothers; and

Whereas, He served his country for seven months overseas during World War I in an infantry regiment of the Seventh Division, and upon his return home at the end of the war immediately became active in the affairs of his community. A devout Methodist, he was an active member, a teacher and later Sunday School Superintendent of the Bogata Methodist Church; and

Whereas, While celebrating the first anniversary of the Armistice, the tragic accident which deprived him of his sight, his hearing and left him hovering between life and death for the next twelve months occurred when he endangered his own life to save his family and fellow townsmen; and

Whereas, Encouraged by the dauntless pioneer spirit of his mother and her patient, tireless assistance in reading to him, he continued his studies of law. He was elected to the House of Representatives in 1928 where he served for six years. He was later elected to the Senate and served the 36th District of Texas for eight years. He gained a reputation of being the sworn champion to the hard-working citizens of the rural areas of the State because he understood their problems, and to whom he always referred in legislative debate as the "Splivens Boys" gained further recognition when their self-appointed sponsor, Senator DeBerry, served as Acting Governor of Texas for a week during the absence of both the Governor and the Lieutenant Governor from the State; and

Whereas, He re-entered State service on January 1, 1957, when he became State Purchasing Agent for Texas by virtue of his appointment to the State Board of Control, an office to which he was reappointed at the expiration of his six-year term; and

Whereas, Mr. DeBerry was beloved by his fellow members in both Houses for his courage, his loyalty to his constituents, his devotion to duty, and for his homespun humor and quick repartee which frequently eased tension and soothed ruffled tempers during strongly contested debates and brought laughter from spectators in the galleries; now, therefore, be it

Resolved, That in tribute to this distinguished man who overcame adversities of great magnitude to serve his Country and his State, and whose influence left an enduring record on the lives of so many people because he was personally interested in their individual problems and offered wise, sympathetic guidance, the Senate of the State of Texas set aside a page in its Journal for the day in his memory, and that when it adjourns today it do so in his honor; and be it further

Resolved, That copies of this resolution be mailed to his sister, Mrs. John Howison of Bogata, Texas, and to the surviving brothers in Bogata and Austin, Texas, and Idabel, Oklahoma.

AIKIN

Signed—Ben Ramsey, Lieutenant Governor; Baker, Bradshaw, Colson, Crump, Dies, Fly, Fuller, Gonzalez, Hardeman, Hazlewood, Herring, Hudson, Kazen, Krueger, Lane, Martin, Moffett, Moore, Owen, Parkhouse, Phillips, Ratliff, Reagan, Roberts, Rogers, Secrest, Smith, Weinert, Willis, Wood.

The resolution was read.

On motion of Senator Martin and by unanimous consent the names of the Lieutenant Governor and the Senators were added to the resolution as signers thereof.

The resolution was adopted by a rising vote of the Senate.